

# FEDERAL REGISTER

THE NATIONAL ARCHIVES  
OF THE UNITED STATES  
1934

VOLUME 9 NUMBER 196

Washington, Saturday, September 30, 1944

## Regulations

### TITLE 7—AGRICULTURE

#### Chapter XI—War Food Administration (Distribution Orders)

[WFO 81-1, Amdt. 1]

#### PART 1440—ESSENTIAL OILS

##### DELEGATION OF AUTHORITY

War Food Order No. 81-1 (9 F.R. 937, 4321, 4319) is amended as follows:

By deleting § 1440.2 (b) (2) and inserting, in lieu thereof, the following:

(2) The Order Administrator may prescribe use quotas, in accordance with the provisions of § 1440.1 (b) (2) of the order, if each such quota is approved by the War Production Board: *Provided*, That the aggregate amount of oil of peppermint thus allocated by the Order Administrator, in accordance with § 1440.1 (b) (2) of the order, shall not exceed 400,000 pounds of oil of peppermint (including that obtained from foreign, as well as from domestic, sources) per year.

This amendment shall become effective at 12:01 a. m., e. w. t., October 1, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 81-1 prior to the effective time of the provisions hereof, the provisions of the said War Food Order No. 81-1 in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 81, as amended, 8 F.R. 12525, 9 F.R. 152, 4321, 4319, 7297, 9584)

Issued this 27th day of September 1944.

C. W. KITCHEN,  
Acting Director of Distribution.

[F. R. Doc. 44-14972; Filed, Sept. 28, 1944;  
11:14 a. m.]

[WFO 54-4, Amdt. 4]

#### PART 1401—DAIRY PRODUCTS

##### DRIED SKIM MILK

War Food Order No. 54-4, as amended (9 F.R. 4675, 7040, 9526, 10239), is hereby further amended by inserting at the end of § 1401.179 (b) the following additional sentence: "Each producer shall set aside in the calendar month of October 1944 a quantity of spray dried skim milk equal to 50 percent of all spray dried skim milk produced by him during that month."

This order shall become effective at 12:01 a. m., e. w. t., October 1, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 54-4, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 54-4, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 54, 8 F.R. 7210, 9 F.R. 2875, 4321, 4319)

Issued this 28th day of September 1944.

LEE MARSHALL,  
Director of Distribution.

[F. R. Doc. 44-15041; Filed, Sept. 28, 1944;  
3:55 p. m.]

[WFO 81, Amdt. 4]

#### PART 1440—ESSENTIAL OILS

##### OIL OF PEPPERMINT

War Food Order No. 81, as amended (8 F.R. 12525; 9 F.R. 152, 4321, 4319, 7297, 9584), is further amended as follows:

By deleting the table in § 1440.1 (b) (1) and inserting, in lieu thereof, the following table:

Class of use:	Permitted percentages of 1941 use
Manufacture of chewing gum.....	80
Manufacture of confectionery.....	80
Manufacture of pharmaceutical preparations.....	110

(Continued on p. 11929)

## CONTENTS

### REGULATIONS AND NOTICES

CIVIL AERONAUTICS BOARD:	Page
Lima-Iquitos service, hearing.....	11968
FEDERAL COMMUNICATIONS COMMISSION:	
Hearings, etc.:	
Binghamton Broadcasting Co.....	11968
Binghamton Press Co., Inc.....	11967
Calcasieu Broadcasting Co.....	11968
Central New York Broadcasting Corp.....	11968
Southern Tier Radio Service, Inc.....	11967
Sponsored programs, oral argument.....	11969
FEDERAL HOUSING ADMINISTRATION:	
23½ insurance fund debentures, notice of call for partial redemption before maturity:	
Series B and E.....	11973
Series C and D.....	11974
FOREIGN ECONOMIC ADMINISTRATION:	
Gold, exportation.....	11932
Licensed exports, shipment by sea freight to other American republics.....	11932
IMMIGRATION AND NATURALIZATION SERVICE:	
Primary inspection and detention; discontinuance of Sault Ste. Marie Airport as temporary airport of entry.....	11930
INDIAN AFFAIRS OFFICE:	
Indian chartered corporations and unincorporated tribes, loans.....	11930
INTERIOR DEPARTMENT:	
Hungry Horse Dam project, assignment of functions to Reclamation Bureau and Bonneville Power Administrator.....	11966
INTERSTATE COMMERCE COMMISSION:	
Grain and rice, movement; appointment of alternate agent.....	11973
Reconsignment permits:	
Apples, Chicago, Ill.....	11969
Carrots, Chicago, Ill.....	11971
Lettuce, Chicago, Ill.....	11970

(Continued on p. 11923)



Published daily, except Sundays, Mondays, and days following legal holidays, by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The Federal Register will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

#### NOTICE

The Cumulative Supplement to the Code of Federal Regulations, covering the period from June 2, 1938, through June 1, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at \$3.00 per unit. The following are now available:

- Book 1: Titles 1-3 (Presidential documents) with tables and index.
- Book 2: Titles 4-9, with index.
- Book 3: Titles 10-17, with index.
- Book 4: Titles 18-25, with index.
- Book 5, Part 1: Title 26, Parts 2-178.
- Book 5, Part 2: Title 26, completed; Title 27; with index.
- Book 6: Titles 28-32, with index.

#### CONTENTS—Continued

INTERSTATE COMMERCE COMMISSION—Continued.	
Reconsignment permits—Con.	Page
Melons, Chicago, Ill.	11970
Onions, Chicago, Ill.	11969
Peaches, Kansas City, Mo.— Kans.	11970
Pears, Milwaukee, Wis.	11971
Plums, Kansas City, Mo.— Kans.	11970
Potatoes, Chicago, Ill. (2 documents)	11970
Prunes, St. Louis, Mo.	11971
Raising permits, etc.:	
Fruits and prunes, Washing- ton, Oregon, or Idaho	11973

#### CONTENTS—Continued

INTERSTATE COMMERCE COMMISSION—Continued.	
Raising permits, etc.—Con.	Page
Potatoes:	
California or Arizona	11971
North Dakota, South Dakota, Minnesota or Wisconsin	11971
Ogden, Utah	11972
Olene and Wocuc, Oreg.	11972
Oregon and California (2 documents)	11972, 11973
Salt Lake City, Utah	11972
Whitefish, Mont., and Chicago, Ill.	11972
Steel bars, unloading at Detroit, Mich.	11973
OFFICE OF CONTRACT SETTLEMENT:	
Plant clearance and property; machinery, tools, and equipment	11964.
OFFICE OF DEFENSE TRANSPORTATION:	
Colorado, substitution of rail for motor common carrier service	11977
Common carriers, coordinated operations:	
Asheville, N. C., and Chattanooga, Tenn.	11975
Charlotte, N. C., and Atlanta, Ga.	11977
Chattanooga, Tenn., and Rome, Ga.	11974
South Carolina	11975
Tell City and Chrisney, Ind.	11976
Motor equipment conservation; local passenger transportation equipment (ODT 35-1)	11966
OFFICE OF ECONOMIC STABILIZATION:	
Subsidies:	
Louisiana raw sugar, 1944, absorption of transportation costs	11964
Louisiana sugarcane 1944 support payment program	11963
OFFICE OF PRICE ADMINISTRATION:	
Adjustments:	
Auto-Bye Co.	11981
Botkins, Elbert, et al.	11979
Brown Bros. Coal Co., et al.	11978
Hoffman Coal Co., et al.	11978
Houle Bros.	11981
Rockaway Cabinet Co.	11980
Alaska, soap (MPR 288, Am. 31)	11961
Ammunition (Rev. SR 14, Am. 175)	11955
Building blocks, concrete, etc., Southern Florida (MPR 188, Am. 53 to Order A-1)	11980
Coal, bituminous (MPR 120, Am. 115)	11957
Community ceiling prices, au- thorization to fix (Rev. Gen. Order 51, Am. 1)	11982
Foods, processed (Rev. RO 13, Am. 34 to 2d Rev. Supp. 1)	11961
Hawaii, maximum prices (MPR 373, Am. 81)	11961
Meat, fats, fish and cheeses (Rev. RO 16, Am. 17, 18 to 2d Rev. Supp. 1) (2 docu- ments)	11955, 11961

#### CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION— Continued.	
Passenger automobile rationing (RO 2A, Am. 27)	11958
Petroleum, crude:	
Indiana and Illinois (RMPR 436, Order 30)	11982
Kansas, Oklahoma, Wyoming and West Virginia (RMPR 436, Order 29)	11982
Petroleum products sold at re- tail (RMPR 137, Am. 5)	11958
Regional and district office order; community ceiling prices, list of orders filed	11983
Rubber boots and work shoes, men's (RO 6A, Am. 14)	11961
Staple work clothing (RMPR 208, Am. 2)	11960
RURAL ELECTRIFICATION ADMINIS- TRATION:	
Allocation of funds for loans	11966
SOLID FUELS ADMINISTRATION FOR WAR:	
Anthracite for use in poultry brooders and hatcheries	11930
STATE DEPARTMENT:	
Certificates of authentication, delegation of authority to sign and issue	11930
VETERANS' ADMINISTRATION:	
Insurance; National Service Life Insurance, change in plan	11965
WAGE AND HOUR DIVISION:	
Authorized representatives, ap- pointment; special certifi- cates for employment of handicapped workers	11966
WAR DEPARTMENT:	
Military reservations, regula- tions; payments	11930
WAR FOOD ADMINISTRATION:	
Fluid milk and cream, Seattle, Wash., area	11920
Grains, malted, malt syrup, rice, hops, and hop products (WFO 66, Am. 5)	11920
Livestock and meat (WFO 75, Am. 1)	11920
Oil of peppermint (WFO 81, Am. 4)	11927
Oils, essential; delegation of au- thority (WFO 81-1, Am. 1)	11927
Skim milk, dried (WFO 54-4, Am. 4)	11927
WAR MANPOWER COMMISSION:	
Employment stabilization pro- gram, Philadelphia, Pa., area	11983
WAR PRODUCTION BOARD:	
Cast iron ware (L-30-c, Rev.)	11955
Construction (L-41; Rev. of Int. 3, 5, 7) (4 documents)	11950, 11953, 11954
Construction machinery and equipment (L-192)	11934
Equipment and fixtures, instal- lation (L-41, Int. 9)	11954
Food dehydrators, domestic (L-308, Rev.)	11955
Glass container and closure quotas (L-103-b)	11938
Malt beverages (L-103, Sch. B)	11943
Lumber quotas (P-142, Dir. 5)	11938

(Continued on next page)

## CONTENTS—Continued

WAR PRODUCTION BOARD—Con.	Page
Machine tools, manufacturing machinery, etc., purchase for civilian production (Priorities Reg. 24).....	11933
Machine tools, production and delivery (E-1-b).....	11946
Machinery or equipment, installation or relocation (L-41, Dir. 2).....	11954
Petroleum marketing, use of preference ratings (P-98-b, Dir. 2).....	11934
Plumbing and heating division (M-293, Table 14).....	11937
Rubber yarn and elastic thread (M-124).....	11948
Sewing machines, domestic (L-98).....	11948
Suspension orders, etc.:—	
Atlas Distributing Corp.....	11985
Burney, William M.....	11955
Mechanics Contracting Co.....	11954
Textile, clothing and leather (M-379, Dir. 1).....	11955
Umbrella frames (L-36, Rev.).....	11955
X-ray equipment (L-206).....	11949

Class of use—Continued.	Permitted percent-ages of 1941 use
Manufacture of dentifrices.....	85
Manufacture of miscellaneous articles.....	80

This amendment shall become effective at 12:01 a. m., e. w. t., October 1, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 81, as amended, prior to the effective time of the provisions hereof, the provisions of the said War Food Order No. 81, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 27th day of September 1944.

ASHLEY SELLERS,  
Assistant War Food Administrator.

[F. R. Doc. 44-14971; Filed, Sept. 28, 1944; 11:14 a. m.]

## [WFO 66, Amdt. 5]

## PART 1468—GRAINS

## MALTED GRAINS, MALT SYRUP, RICE, HOPS, AND HOP PRODUCTS

War Food Order No. 66, as amended (8 F.R. 10480, 13841; 9 F.R. 1084, 4321, 4319, 9584, 11461), is further amended as follows:

1. By deleting § 1468.2 (a) (5) and inserting, in lieu thereof, the following:

(5) The term "hops" means the pistillate cones, in the dried or green state, of the vine *Humulus lupulus* or *Humulus americanus* produced in 1944 or previous years.

2. By deleting §§ 1468.2 (f) (1) and (2) and inserting, in lieu thereof, the following:

(f) *Restrictions on acquirement of hops and hop products.* (1) After September 1, 1944, no brewer shall acquire (by purchase or otherwise) or accept delivery of a quantity of hops in excess of his purchase quota as provided for in the following sentence of this paragraph. Each brewer's purchase quota of hops after September 1, 1944, shall be 150 percent of the quantity of hops which he used in the manufacture of malt beverages in 1943, minus the quantity of hops which he owned, possessed, or in any other manner controlled on September 1, 1944.

(2) After September 1, 1944, no brewer shall acquire (by purchase or otherwise) or accept delivery of a quantity of hop products in excess of his purchase quota as provided for in the following sentence of this paragraph. Each brewer's purchase quota of hop products after September 1, 1944, shall be 150 percent of the quantity of hop products which he used in the manufacture of malt beverages in 1943, minus the quantity of hop products which he owned, possessed, or in any other manner controlled on September 1, 1944.

This amendment shall become effective at 12:01 a. m., e. w. t., September 1, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 66, as amended, prior to the effective time of the provisions hereof, the provisions of the said War Food Order No. 66, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 28th day of September 1944.

ASHLEY SELLERS,  
Assistant War Food Administrator.

[F. R. Doc. 44-15042; Filed, Sept. 28, 1944; 3:55 p. m.]

## [WFO 79-39, Amdt. 2]

## PART 1401—DAIRY PRODUCTS

## FLUID MILK AND CREAM IN SEATTLE, WASH., METROPOLITAN SALES AREA

Pursuant to War Food Order No. 79, 9 F.R. 4321, 4319 (previously issued by the War Food Administrator on September 7, 1943 as Food Distribution Order No. 79, 8 F.R. 12426, as amended, 8 F.R. 13283), War Food Order No. 79-39 (8 F.R. 13873, 9 F.R. 4321, 4319, 5329) relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Seattle, Washington, metropolitan milk sales area, is further amended by deleting the description of the sales area in § 1401.77 (b) and inserting, in lieu thereof, the following.

The city of Seattle and those election precincts within the counties of King and Snohomish, all in the State of Washington, as shown on the map on page 1193 and listed in Table 7, page 1135 of the Sixteenth Census of the United States: 1940 (Population, Volume 1); and, also the election precincts of Hillcrest, Elliot, Lake, McMillen, Orilla, White River, Meeker, Russell, the four precincts of Kent, Star Lake, Christopher, Buenna, and Redondo in King County, State of Washington, as defined and established by the King County Board of Commissioners effective January 1, 1943.

The provisions of this amendment shall become effective as of 12:01 a. m., e. w. t., October 1, 1944. With respect to violations of said War Food Order No. 79-39, rights accrued, or liabilities incurred thereunder prior to the effective time of this amendment, said War Food Order No. 79-39 shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4321, 4319)

Issued this 28th day of September 1944.

LEE MARSHALL,  
Director of Distribution.

[F. R. Doc. 44-15073; Filed, Sept. 29, 1944; 11:14 a. m.]

## [WFO 75, Amdt. 17]

## PART 1410—LIVESTOCK AND MEATS

## SLAUGHTER OF LIVESTOCK AND DELIVERY OF MEAT

War Food Order No. 75, as amended (8 F.R. 11119, 14503, 15684, 15772, 16353, 16587, 16675, 16887, 17290; 9 F.R. 51, 937, 1499, 2939, 3063, 4973, 5767, 10033), is further amended by amending paragraph (1) thereof to read as follows:

(1) *Support prices.* (1) All Class 1 and Class 2 slaughterers shall pay for good to choice butcher hogs (barrows and gilts), within the weight range of from 200 to 240 pounds, both inclusive, not less than the support price of \$12.50 per hundred weight, Chicago basis.

(2) For hogs which produce soft or oily pork, applicable support prices may be reduced by the amount of the normal discount at the market. The discount for hogs which produce oily pork shall not exceed \$1.50 per hundred weight, and the discount for hogs which produce soft pork shall reflect not less than the normal difference between such discounts. Unless purchased "subject to kill", not less than the applicable support price shall be paid in all cases where a certificate is furnished by any county agent, vocational agricultural representative, or person acting in a similar capacity, to the effect that the hogs have been raised and fed in accordance with a production and feeding program that will insure firm pork.

This order shall become effective at 12:01 a. m., e. w. t., October 1, 1944. With respect to violations, rights accrued,

liabilities incurred, or appeals taken under War Food Order No. 75, as amended, prior to said date, all provisions of said War Food Order No. 75, as amended, in effect prior thereto, shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 29th day of September 1944.

MARVIN JONES,  
War Food Administrator.

[F. R. Doc. 44-15102; Filed, Sept. 29, 1944;  
12:15 p. m.]

## TITLE 8—ALIENS AND NATIONALITY

### Chapter I—Immigration and Naturalization Service

#### PART 110—PRIMARY INSPECTION AND DETENTION

#### DISCONTINUANCE OF SAULT STE. MARIE AIR- PORT AS TEMPORARY AIRPORT OF ENTRY SEPTEMBER 23, 1944.

Pursuant to the authority contained in section 7 (d) of the Air Commerce Act of 1926 (44 Stat. 572; 49 U.S.C. 177 (d)) and section 1 of Reorganization Plan No. V (5 F.R. 2223), the designation of Sault Ste. Marie Airport, Sault Ste. Marie, Michigan, as a temporary port of entry for aliens arriving in the United States by aircraft is hereby rescinded.

Section 110.3 (b), Title 8, Chapter I, Code of Federal Regulations is amended by striking Sault Ste. Marie, Michigan, Sault Ste. Marie Airport, from the list of temporary ports of entry for aliens arriving by aircraft.

FRANCIS BIDDLE,  
Attorney General.

Approval recommended:

JOSEPH SAVORETTI,  
Acting Commissioner,  
Immigration and Natural-  
ization.

[F. R. Doc. 44-15065; Filed, Sept. 29, 1944;  
10:10 a. m.]

## TITLE 10—ARMY: WAR DEPARTMENT

### Chapter V—Military Reservations and National Cemeteries

#### PART 502—REGULATIONS AFFECTING MILI- TARY RESERVATIONS PAYMENTS

Section 502.14 is amended to read as follows:

§ 502.14 *Payments.* Payments made by private interests for privileges granted by leases, licenses, easements, or permits will be collected by the Chief of Engineers or his duly authorized representative. The initial payment, which will be made at the time the instrument is

signed by the grantee, and all deferred payments will be collected by the authorized representative of the Chief of Engineers and will be promptly turned over to the nearest Army disbursing officer with appropriate instructions as to the disposition of such funds, i. e., for credit to "miscellaneous receipts" or to be held as special deposits. Collections will be scheduled on Standard Form No. 1044, Revised (Schedule of Collections), prior to forwarding to the disbursing officer. The Chief of Engineers or his authorized representative will advise at the proper time of the final disposition to be made of funds held as special deposits by preparation and submission of Standard Form No. 1046 Revised (Schedule of Transfers-Special Deposits) or Standard Form No. 1049 (Public Voucher for Refunds) whichever is applicable. All payments made by the grantee will be made payable to the Treasurer of the United States. (R.S. 161; 5 U.S.C. 22) [AR 100-62 as amended by C4, 19 September 1944]

[SEAL]

J. A. ULIO,  
Major General,  
The Adjutant General.

[F. R. Doc. 44-15064; Filed, Sept. 29, 1944;  
9:57 a. m.]

## TITLE 22—FOREIGN RELATIONS

### Chapter I—Department of State

[Departmental Reg. 3]

#### PART 8—CERTIFICATES OF AUTHENTICATION DELEGATION OF AUTHORITY

Pursuant to the authority contained in R.S. 161 (5 U.S.C. 22), § 8.1 of Title 22 of the Code of Federal Regulations, as amended on February 8, 1944 (9 F.R. 1611), is hereby superseded by the following section:

§ 8.1 *Officers authorized to sign and issue certificates of authentication.* The Chief or Acting Chief, Division of Administrative Services, is hereby authorized to sign and issue certificates of authentication under the Seal of the Department of State for and in the name of the Secretary of State or Acting Secretary of State. The form of authentication shall be as follows:

In testimony whereof, I, \_\_\_\_\_, Secretary of State (or Acting Secretary of State), have hereunto caused the Seal of the Department of State to be affixed and my name subscribed by the Chief (or Acting Chief), Division of Administrative Services, of the said Department, at the city of Washington, in the District of Columbia, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. \_\_\_\_\_, Secretary of State. By \_\_\_\_\_, Chief (or Acting Chief), Division of Administrative Services.

(R.S. 161; 5 U.S.C. 22)

This regulation shall become effective immediately upon registration in the Division of the Federal Register.

[SEAL]

CORDELL HULL,  
Secretary of State.

SEPTEMBER 29, 1944.

[F. R. Doc. 44-15091; Filed, Sept. 29, 1944;  
11:41 a. m.]

## TITLE 25—INDIANS

### Chapter I—Office of Indian Affairs, Department of the Interior

#### Subchapter E—Credit to Indians

#### PART 21—LOANS TO AND BY INDIAN CHAR- TERED CORPORATIONS AND UNINCORPO- RATED TRIBES

#### MISCELLANEOUS AMENDMENTS

The following sections are amended to read:

§ 21.17 *Transfer of tribal funds to corporation's or tribe's credit fund.* When a tribe has been incorporated, balances remaining in tribal revolving funds, accruals from repayments on loans from such funds, and other applicable moneys, may be transferred to the corporation when such transfers are consented to by the corporation and authorized by Congress. Tribal funds so transferred may be loaned or used in the operation of corporate enterprises in accordance with the regulations in this part governing the use of corporation credit funds.

Tribal industrial funds of an unincorporated tribe may be transferred to the tribe when consented to by the tribe and authorized by Congress. Tribal funds so transferred may be loaned or used in the operation of tribal enterprises in accordance with the regulations in this part governing the use of tribal credit funds and the operation of corporate and tribal enterprises.

No carrying charge shall be paid to the United States on tribal funds.

§ 21.19 *Corporate and tribal enterprises.* A corporate enterprise is a business operated by a corporation. A tribal enterprise is a business operated by an unincorporated tribe. Applications for loans and requests to use tribal funds for the operation of corporate and tribal enterprises must be approved by the Commissioner of Indian Affairs. The application or request shall set forth the use to be made of the funds, proposed management and operating plans, schedule of advances and repayments, regulations governing the enterprise, how title to purchases shall be taken, and plans for disposal of the property.

(Sec. 10, 48 Stat. 986, sec. 9, 49 Stat. 1968, 57 Stat. 451-459; 25 U. S. C. 470, 509, 1940 Ed.)

Dated: September 23, 1944.

OSCAR L. CHAPMAN,  
Assistant Secretary of the Interior.

[F. R. Doc. 44-15071; Filed, Sept. 29, 1944;  
11:12 a. m.]

## TITLE 30—MINERAL RESOURCES

### Chapter VI—Solid Fuels Administration for War

[SFAW Rev. Reg. 5]

#### PART 602—GENERAL ORDERS AND DIRECTIVES

#### DISTRIBUTION OF ANTHRACITE FOR POULTRY BROODERS AND HATCHERIES

To correlate the provisions of Regulation No. 5 with the provisions of Regu-

lations No. 17 and No. 18, as amended, it is necessary to revise it to read as follows:

Sec.

- 602.81 Definitions.
- 602.82 Conditions imposed upon distribution of anthracite for use in poultry brooders and hatcheries.
- 602.83 Information to be furnished by purchasers and retail dealers.
- 602.84 Preferred deliveries.
- 602.85 Sequence of deliveries.
- 602.86 Appeals.
- 602.87 Damages for breach of contract.
- 602.88 Other regulations.
- 602.89 Records.
- 602.90 Audit and inspection.
- 602.91 Reporting requirements.
- 602.92 Violations.
- 602.93 Regulation No. 5 superseded.

AUTHORITY: §§ 602.81 to 602.93, inclusive, issued under E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat 236 and 56 Stat. 176.

§ 602.81 *Definitions.* For purposes of this regulation:

(a) "Anthracite" means that coal which (i) is generally referred to as Pennsylvania anthracite, (ii) is produced in the following counties in Pennsylvania: Carbon, Columbia, Dauphin, Lebanon, Lackawanna, Luzerne, Northumberland, Schuylkill, Susquehanna and Wayne, and (iii) is limited to the sizes generally known as chestnut and pea.

(b) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons.

(c) "Producer" means any person engaged in the business of mining or preparing anthracite.

(d) "Wholesaler" means any producer to the extent that he ships, distributes or sells anthracite to retail dealers, and any person to the extent that he receives or purchases anthracite for shipment, distribution or resale to retail dealers.

(e) "Retail dealer" means any person (including the retail outlet, branch or department of one who is also a producer, wholesaler or lake dock operator) to the extent that he acts in the capacity of a supplier, shipper or seller of anthracite in any transaction, except a wholesale transaction, involving a shipment, sale, or sale and delivery, of broken bulk anthracite physically handled in a truck, wagon, or other less than carload facility, without regard to quantity or frequency of delivery.

(f) "Order" means any request or contract for the purchase of anthracite or any requisition or other arrangement designed to procure anthracite from a producer, wholesaler or retail dealer for use in a poultry brooder or hatchery located at any place within the continental United States.

(g) "Day's supply" means the amount of anthracite which it is reasonably expected will be consumed in a particular poultry brooder or hatchery each day during the 30 days next following the placing of an order for anthracite.

§ 602.82 *Conditions imposed upon distribution of anthracite for use in poultry brooders and hatcheries.* (a) No producer, wholesaler, or retail dealer may distribute, ship or deliver anthra-

cite to the owner or operator of a poultry brooder or hatchery for use therein and no such owner or operator may receive anthracite for such use unless at, or prior to, the time of the first delivery such owner or operator shall have filed with the same producer, wholesaler, or retail dealer who supplied anthracite to him for such use during the period April 1, 1942 to March 31, 1943, inclusive, the written statement required by paragraph (a) of § 602.83. In the event that such producer, wholesaler, or retail dealer has discontinued business or is unable to fill such order, or in the event that the owner or operator of a poultry brooder or hatchery did not purchase anthracite for such use during the period April 1, 1942 to March 31, 1943, inclusive, then such owner or operator may file such statement with any other producer, wholesaler, or retail dealer.

(b) No retail dealer may obtain or receive a shipment of anthracite for resale for use in a poultry brooder or hatchery unless and until he shall have filed with the Regional Office of SFAW for the region in which he is located, the written statement required by paragraph (b) of § 602.83.

§ 602.83 *Information to be furnished by purchasers and retail dealers.* (a) Each owner or operator of a poultry brooder or hatchery who seeks to obtain anthracite pursuant to § 602.82, shall file a written statement, signed by the purchaser, on a form referred to as "Statement of Owner or Operator of Poultry Brooder or Hatchery," to be reproduced and furnished by the supplier of anthracite. Such statement shall set forth, among other things, the owner's estimated annual needs for anthracite, the amount of anthracite on hand as of April 1, 1944, the number of broods expected to be made prior to March 31, 1945, the number of brooder stoves in which it is expected that anthracite will be used, an estimate of the number of pounds of anthracite that constitutes a day's supply, and the location of the brooder or hatchery for which the statement is filed. The owner or operator of a poultry brooder or hatchery shall be required to file only one such statement with each supplier prior to March 31, 1945 and the statements contained therein shall be deemed to have been made to SFAW. The prescribed form of the statement, marked Appendix A, is attached to this regulation and made a part hereof.

(b) Each retail dealer who seeks to obtain a shipment of anthracite for resale for use in a poultry brooder or hatchery shall file with the nearest Regional Office of SFAW a statement in writing, setting forth, among other things, the total number of tons of anthracite sold and delivered by him for such use during each of the periods April 1, 1942 to March 31, 1943, inclusive, April 1, 1943 to March 31, 1944, inclusive, and April 1, 1944 to the date of filing said statement, and the name and address of the producers or wholesalers who supplied such tonnage. The prescribed form of such statement, marked Appendix B, is attached to this regulation and made a part hereof.

§ 602.84 *Preferred deliveries.* Without regard to other orders but subject

to the provisions of §§ 602.82 and 602.83 of this regulation and subject to the specific direction of the Solid Fuels Administrator for War, each producer and wholesaler shall accord preference in the delivery of anthracite in railroad carload lots or truckload lots, depending upon the customary transportation facilities of the shipper, to any operator of a poultry brooder or hatchery for use therein or to any retail dealer for resale for such use; and each retail dealer shall accord preference in delivery of anthracite in any quantity to any operator of a poultry brooder or hatchery for use therein: *Provided, however,* That no preference in delivery shall be given to an order of an operator of a poultry brooder or hatchery when the delivery of such tonnage added to the tonnage which the purchaser has on hand will exceed 90 days' supply.

§ 602.85 *Sequence of deliveries.* Each producer, wholesaler or retail dealer shall make deliveries pursuant to the provisions of §§ 602.82 and 602.84 of this regulation in accordance with (a) the order of the purchaser who has on hand the least number of days' supply; or (b) the delivery dates specified in the orders, or (c) if it is impracticable to make such deliveries on the dates specified, then in accordance with the dates on which such orders have been received.

§ 602.86 *Appeals.* Each person participating in any transaction to which any portion of this regulation applies may appeal to the Solid Fuels Administrator for War, Department of the Interior, Washington 25, D. C., regarding (a) failure to accord preference in the delivery of anthracite in violation of § 602.84 hereof, or (b) failure to observe the sequence in deliveries prescribed in § 602.85 which results in unreasonable delay in making deliveries. The Administrator may take such action as he deems appropriate or necessary with regard to such appeal.

§ 602.87 *Damages for breach of contract.* No person shall be held liable under any contract for damages or penalties for any default which shall result directly or indirectly from compliance with this regulation.

§ 602.88 *Other regulations.* (a) Except for the provisions of § 602.344 of SFAW Regulation No. 18, as amended, nothing contained in that regulation shall be deemed to exclude compliance with the provisions of this regulation.

(b) Nothing contained in this regulation shall be deemed to preclude any action by the Solid Fuels Administrator for War under SFAW Regulation No. 1.

§ 602.89 *Records.* Each person participating in any transaction to which any portion of this regulation applies shall keep and preserve for a period of not less than two years accurate and complete records of the details of all such transactions.

§ 602.90 *Audit and inspection.* All records required to be kept by this regulation shall, upon request, be submitted for inspection, copy and audit by duly authorized representatives of the Solid Fuels Administrator for War.

§ 602.91 *Reporting requirements.* The reporting requirements of this regulation

have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942 and regulations issued thereunder.

NOTE: Forms printed in the FEDERAL REGISTER are for information only and do not follow the exact format prescribed by the issuing agency.

§ 602.92 *Violations.* Any person who willfully violates any provision of this regulation, or who, by any act or omission, willfully falsifies certifications or records kept or information furnished in connection with this regulation, may be prohibited from delivering or receiving any material under priority control. The Solid Fuels Administrator for War may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. sec. 80), or under the Second War Powers Act (50 U.S.C. 633).

§ 602.93 *Regulation No. 5 superseded.* This Revised Regulation supersedes Regulation No. 5, which was issued October 11, 1943: *Provided, however,* That civil or criminal liabilities resulting from violation of the provisions of that regulation shall not be affected by this section.

This regulation shall take effect 12:01 a. m. on October 15, 1944.

Issued this 28th day of September 1944.

HAROLD L. ICKES,  
Solid Fuels Administrator for War.

#### APPENDIX A

Bureau of the Budget No. 42-R706  
Approval Expires April 30, 1945.

#### UNITED STATES DEPARTMENT OF THE INTERIOR SOLID FUELS ADMINISTRATION FOR WAR WASHINGTON

#### Statement of Owner or Operator of a Poultry Brooder or Hatchery

As the owner (or operator) of a poultry brooder or hatchery, I make this statement for the purpose of securing a preference in the delivery of anthracite to be used exclusively in the brooding of poultry or the hatching of eggs. I do hereby certify to the Solid Fuels Administration for War that the statements contained hereon are true to the best of my knowledge and belief and I understand that if I make any false statement or false representation herein I am subject to criminal prosecution under the laws of the United States, and that I may be prohibited from receiving any further deliveries of certain kinds of solid fuels.

1. Assuming normal weather conditions during the period April 1, 1944 to March 31, 1945, I expect to burn \_\_\_\_\_ tons of anthracite in the operation of the poultry brooder or hatchery designated below.

2. On April 1, 1944 I had on hand \_\_\_\_\_ tons of anthracite for the operation of the designated poultry brooder or hatchery.

3. I used or expect to use anthracite in making the following number of broods during the following periods:

April, May, June, 1944 \_\_\_\_\_ broods  
July, Aug., Sept., 1944 \_\_\_\_\_ broods  
Oct., Nov., Dec., 1944 \_\_\_\_\_ broods  
Jan., Feb., March, 1945 \_\_\_\_\_ broods

4. In making the broods set forth above, I used or expect to use anthracite in \_\_\_\_\_ brooder stoves.  
(Number)

5. I estimate that \_\_\_\_\_ pounds of anthracite constitutes a day's supply.

6. The brooder or hatchery for which this statement is filed is located at \_\_\_\_\_

7. I am filing this statement with \_\_\_\_\_  
(Name of producer, wholesaler or retail dealer)

and I have no outstanding statement or order for anthracite for brooders or hatcheries with any other producer, wholesaler or retail dealer except \_\_\_\_\_

(Name and tonnage ordered)

(signed) \_\_\_\_\_ (Corporate or firm name, if any)

(Owner or operator)

(Address)

Date: \_\_\_\_\_

This statement should be filed with the retail dealer, producer or wholesaler from whom the anthracite referred to herein is to be purchased.

#### APPENDIX B

Form S. F. A. No. 308

Bureau of the Budget No. 42-R706  
Approval Expires April 30, 1945.

#### UNITED STATES DEPARTMENT OF THE INTERIOR

#### SOLID FUELS ADMINISTRATION FOR WAR WASHINGTON

Date \_\_\_\_\_

Name of Dealer \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

Tonnage of anthracite delivered for use only in poultry brooders and hatcheries

Apr. 1, 1942, to Mar. 31, 1943		Apr. 1, 1943, to Mar. 31, 1944		Apr. 1, 1944, to date of filing		Producer or wholesaler who supplied such tonnage
Nut	Pea	Nut	Pea	Nut	Pea	

Did you file a Form S. F. A. No. 29 setting forth tonnages of excluded deliveries made during the base period and commitments to be excluded during the period April 1, 1943 to March 31, 1944? \_\_\_\_\_

(Yes or No)

Since June 1, 1944, have you filed any request for additional tonnage for brooder or hatchery use pursuant to Section 602.344 (b) or SFAW Regulation No. 18, as amended? \_\_\_\_\_

(Yes or No)

If answer is YES, state date and name of Regional Representative with whom it was filed, \_\_\_\_\_

I certify to SFAW that the statements contained herein are true to the best of my knowledge and belief. I make this certification with knowledge that if I make any false statement or representation herein, I am subject to criminal prosecution under the laws of the United States and that I may be prohibited from receiving any further shipments or deliveries of solid fuels.

(Signature)

(Title)

[F. R. Doc. 44-15078; Filed, Sept. 29, 1944; 11:40 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter VIII—Foreign Economic Administration

#### Subchapter B—Export Control

[Amdt. 231]

#### PART 801—GENERAL REGULATIONS

##### EXPORTING OF GOLD

Part 801 General Regulations is hereby amended by adding thereto § 801.17 as follows:

§ 801.17 *Exportation of gold.* The Provisional Regulations promulgated by the Secretary of the Treasury under the authority of the Gold Reserve Act of 1934 (CFR Title 31, Part 54) as amended or as the same may be amended from time to time shall govern the exportation of gold except that the exportation of fabricated gold (as defined in said Provisional Regulations, except dental gold) of which not more than 80% of the total value is attributable to the gold content shall also be subject to the regulations prescribed in this subchapter. For the purpose of this section "fabricated gold" shall be construed to include ceramic gold, gold wire, gold leaf, gold foil, and other similar types of fabricated gold (as defined in said Provisional Regulations) of which not more than 80% of the total value is attributable to the gold content, but shall not include dental gold.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 238, 77th Cong.; Pub. Law 397, 78th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated September 25, 1944.

S. H. LEBENSBURGER,  
Director,

Requirements and Supply Branch  
Bureau of Supplies.

[F. R. Doc. 44-15069; Filed, Sept. 20, 1944; 11:03 a. m.]

[Amdt. 232]

#### PART 808—PROCEDURE RELATING TO SHIPMENT OF LICENSED EXPORTS TO THIRD OTHER AMERICAN REPUBLICS

##### SHIPMENTS MADE BY SEA FREIGHT

Section 808.1 *Applicability* is hereby amended by deleting the countries Bolivia, Colombia, Chile, Ecuador, Peru and Venezuela from the destinations listed in paragraph (a) thereof and by adding said countries to the destinations listed in paragraph (b) thereof.

This amendment shall become effective October 15, 1944.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 238, 77th Cong.; Pub. Law 397, 78th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Author-



ity No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: September 26, 1944.

S. H. LEBENSBERGER,

Director,

Requirements and Supply Branch,  
Bureau of Supplies.

[F. R. Doc. 44-15063; Filed, Sept. 29, 1944;  
11:03 a. m.]

## Chapter IX—War Production Board

### Subchapter B—Executive Vice-Chairman

**AUTHORITY:** Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 58 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

### PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 24, as amended Sept. 28, 1944]

#### PURCHASE OF MACHINE TOOLS, MANUFACTURING MACHINERY, AND SIMILAR EQUIPMENT NEEDED FOR CIVILIAN PRODUCTION

##### § 944.45 Priorities Regulation 24—

(a) *What this regulation does.* This regulation tells how purchase orders for machine tools, manufacturing machinery, and similar equipment may be placed by companies who wish to get ready for the resumption or expansion of civilian production when this is possible without interfering with war or essential civilian production. Where suitable existing equipment is not available, this regulation modifies the restrictions on the acceptance and filling of unrated purchase orders which are imposed by the WPB orders listed at the end of this regulation. It is the policy of the War Production Board to encourage the purchase of such equipment primarily from existing excess stocks as they may be made available in order to avoid using scarce materials in making additional new equipment. When these are not available, it is the policy of the War Production Board to permit the placing of unrated orders for new equipment which will be needed for civilian production as long as the filling of these orders does not interfere in any way with direct or indirect war production. This regulation also explains when ratings may be assigned to orders for equipment needed for civilian production.

(b) *Removal of restrictions on placing, acceptance and delivery of certain purchase orders.* The various WPB orders shown on List A at the end of this regulation forbid the sale of items which they cover to fill unrated orders. Some of them require a rating before a purchase order may be placed and accepted, while others require a rating before an item may be produced or delivered to fill a purchase order. Many of them contain both kinds of restrictions. They may also require a special WPB form. This regulation overrides these restrictions and unrated purchase orders may now be placed, accepted and filled for items covered by the WPB orders mentioned on List A. However, the approval of the War Production Board must be obtained, as explained in paragraph (c),

before the unrated purchase order is placed.

(c) *How a purchaser gets WPB approval to place unrated orders.* A person who wishes to place an unrated order in spite of the restrictions of the WPB order on List A may apply for War Production Board approval by filing a letter in triplicate with his nearest War Production Board field office with a list in triplicate attached giving a description of the equipment which he wishes to get including make, type, size, and approximate price. Approval of the War Production Board will be given on Form GA-1977 if it finds that no suitable existing excess equipment is available. Upon receiving War Production Board approval, the person placing the unrated order must endorse the following statement on his purchase order, signed either manually or as provided in Priorities Regulation 7: "This order approved by the War Production Board in accordance with Priorities Regulation 24." The standard form of certification contained in Priorities Regulation 7 may not be used. Approval by the War Production Board under this paragraph does not give the purchase order a rating of AA-5 under § 944.1 (b) of Priorities Regulation 1.

(d) *Report of unrated orders.* Producers of equipment subject to any WPB order on List A must file Form WPB-3940 monthly in accordance with the instructions printed on the form, showing the quantity of their rated and unrated shipments. However, if the dollar value of a producer's monthly shipments of unrated orders does not exceed 10 percent of his total shipments he need not file this report, although he must keep unrated purchase orders placed under this regulation filed so that they can be readily segregated and examined.

(e) *Effect of other WPB orders and regulations.* (1) This regulation does not relieve anyone from complying with the requirements of Priorities Regulation 1 with respect to the compulsory acceptance and filling of rated orders in preference to unrated orders.

(2) If an unrated order under this regulation is put into a production schedule it shall not become a part of any "frozen" schedule in spite of Priorities Regulation 18 or other War Production Board order, but shall be subject to postponement in favor of rated orders in accordance with Priorities Regulation 1.

(3) Attention is called to the fact that this regulation does not authorize any construction contrary to the provisions of Construction Order L-41. Direction 2 to L-41 tells when you may install or relocate machinery or equipment without getting permission under that order. Direction 15 to CMP Regulation 5 tells how to get materials needed to install or relocate machinery or equipment.

(4) Except to the extent specifically provided in this regulation, it does not waive the restrictions or conditions of any other order or regulation of the War Production Board.

(f) *Other cases where unrated orders allowed.* Many types of machinery and equipment, including most jigs, dies, fixtures and special tooling, are not subject

to a WPB order limiting or restricting the placing or filling of orders. Consequently, unrated orders for these items have always been permissible where they can be filled without interference with rated orders as provided in Priorities Regulation 1. Many types of machinery and equipment may be bought under Priorities Regulation 13 from somebody who is not in the business of selling such machinery and equipment without any preference rating or other authorization. Permission under this regulation is not required in the case of such purchases.

(g) *Ratings for equipment required for civilian production.* (1) The policy of the War Production Board is not to grant any ratings for equipment needed for resumption or expansion of civilian production where this equipment can be obtained out of existing available stocks or where unrated orders for it can be filled within a reasonable time. However, where this is not the case, and the equipment takes a long time to produce, the War Production Board will consider applications for ratings both for equipment covered by the WPB orders mentioned in List A and for other types of equipment.

(2) If you need equipment for war production or for civilian production which is currently authorized by the War Production Board during the war, you may apply for a rating in accordance with existing procedures and without regard to this regulation. However, if you want equipment for operations which are neither directly related to the war effort nor currently authorized by the War Production Board, you cannot get a rating except by applying on Form WPB-1319 to your War Production Board field office in accordance with the instructions printed in the WPB-1319 Instruction Pamphlet. This is so whether the equipment you need is covered by the WPB orders on List A or not. An exception to this rule is explained in Direction 2 to L-41 which points out that you must apply on the appropriate form specified in L-41 if it is necessary to construct a new building or make an addition to an existing building or if priorities assistance is required for the materials needed for the installation or alteration permitted by that direction in addition to that given by Direction 15 to CMP Regulation 5 or other blanket preference rating orders. If an application under L-41 is necessary it should cover the materials required for the construction and the machinery or equipment which is to be installed.

(3) If the War Production Board grants a rating under this regulation, it may be applied only for the make of equipment shown in the application Form WPB-1319. The rating may be applied by use of the standard certification in Priorities Regulation 7 but the following statement must be added: "This rating applied pursuant to Priorities Regulation 24." Such an order may be accepted and filled in spite of any War Production Board order requiring approval on a special form.

**NOTE:** The reporting provisions of this regulation have been approved by the Bureau

of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 28th day of September 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

#### LIST A

NOTE: References to L-268 and L-314 deleted Sept. 28, 1944.

- E-1-b Machine tools.
- E-9 Precision measuring instruments and testing machines.
- E-11 Foundry equipment and metal melting furnaces.
- L-89 Elevators and escalators.
- L-123 General industrial equipment.
- L-193 Conveying machinery and mechanical power transmission equipment.
- L-221 Electric motors and generators.
- L-226 Printing trades machinery.
- L-250 Electric motor controllers.
- L-287 Portable conveyors.
- L-298 Resistance welding equipment.
- L-311 Logging, lumber and wood products machinery and equipment.
- L-332 Container machinery.

NOTE: Instructions for filing Form WPB-1319 in accordance with paragraph (g) of Priorities Regulation 24 now appear in the WPB-1319 Instruction Pamphlet.

[F. R. Doc. 44-15016; Filed, Sept. 28, 1944; 12:12 p. m.]

#### PART 1041—PRODUCTION, TRANSPORTATION, REFINING AND MARKETING OF PETROLEUM

[Preference Rating Order P-98-b, Direction 2, as Amended Sept. 28, 1944]

#### USE OF PREFERENCE RATINGS IN PETROLEUM MARKETING

The following direction is issued pursuant to Preference Rating Order P-98-B:

(a) *What this direction covers.* This direction tells petroleum operators when they may use a preference rating of AA-3, instead of the MRO rating of AA-5, to secure material for the maintenance and repair of service stations and retail outlets. The use of the AA-3 rating is covered by paragraph (b) of this direction.

In paragraph (c), this direction also permits the use of an MRO rating and symbol by operators to secure limited quantities of materials to make authorized installations or replacements of "equipment" at service stations and other retail outlets and at consumer accounts. This latter permission establishes an exception to the limitation of Order P-98-b that the MRO ratings and symbol may not be used to secure material for the installation or replacement in marketing of "equipment."

(b) *AA-3 rating available for maintenance and repair of service stations or retail outlets.* An operator who does any maintenance or repair work for an operator of a service station or retail outlet and an operator of a service station or retail outlet who does any maintenance or repair work for consumers (such as the servicing or lubrication of automotive vehicles or the maintenance of petroleum consuming apparatus) may use a rating of AA-3 instead of the MRO rating of AA-5. The AA-3 rating may be used only to secure material for the upkeep or restoration of structures, equipment, or material of a service station or retail outlet.

The AA-3 rating may not be used to secure operating supplies for a service station or retail outlet, and only the AA-5 MRO rating may be used for that purpose. Allotment symbol MRO-P-3 remains available to secure controlled materials for MRO purposes.

(c) *Rating and symbol available to operators for installation of "equipment."* A petroleum operator may use a preference rating of AA-3 and allotment symbol MRO-P-3 to secure up to \$100 worth of material to make each installation or replacement of "equipment," as defined in Petroleum Administrative Order 12 (PAO-12). However, the AA-3 rating and the symbol may be used to secure material only to make an installation or replacement of "equipment" which has been authorized by the provisions of PAO-12 or by an exception to PAO-12 and which is to be made at a service station or other retail outlet or at a consumer account. The AA-3 rating and the symbol may not be used to secure the "equipment" which is authorized to be installed or replaced. Any operator is permitted to make this use of the above rating and symbol, and not merely an operator of a service station or retail outlet. By permitting the use of the above rating and symbol for such a purpose, this direction makes a limited exception to the provision of Order P-98-b which excludes from the definition of "maintenance and repair" the installation or replacement in marketing of such "equipment."

(d) Except as provided in this direction, the AA-3 rating and the MRO-P-3 symbol may be used only in accordance with the procedure of Order P-98-b applicable to the AA-5-MRO rating.

Issued this 28th day of September 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-15029; Filed, Sept. 28, 1944; 12:14 p. m.]

#### PART 1157—CONSTRUCTION MACHINERY

[Limitation Order L-192, as Amended Sept. 28, 1944]

#### CONSTRUCTION MACHINERY AND EQUIPMENT

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account and for export, of materials used in the production of construction machinery and equipment and repair parts; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

##### § 1157.10 Limitation Order L-192—

(a) *What this order does.* This order regulates the production and delivery of construction equipment and certain repair parts. The items of equipment covered by the order are listed in Schedules A, B and D. The order provides for scheduling the production and delivery of Schedule A equipment, prohibits sales and deliveries of Schedule A equipment except upon specific authorization of the War Production Board, and regulates the sales of repair parts for Schedule A equipment. With respect to Schedule B equipment, the order provides for the control of total production and restricts sales and deliveries to orders rated AA-5 or higher but does not regulate repair

parts. It prohibits the production of Schedule D equipment.

(b) *Definitions.* For the purpose of this order:

(1) "Producer" means any person engaged in the manufacture of equipment.

(2) "Equipment" means that construction machinery and equipment listed in Schedules A, B and D attached hereto but not any equipment on rubber tired chassis or running gear built for or usable for the transportation of commodities or persons.

(3) "New", when applied to equipment, means any equipment which has never been delivered to and put into regular use by a person acquiring it for use.

(4) "Repair part" means any part manufactured for use in the repair and maintenance of equipment; but does not include components or attachments which change the functional operations of the equipment as originally shipped.

(5) "War agency" means the Army, Navy, Maritime Commission, War Shipping Administration, Veterans' Administration, and the military forces of any foreign country entitled to receive deliveries pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(6) "United States" means the United States of America and its territories and possessions.

(7) "Supplier" means any producer, dealer or distributor engaged in the business of selling equipment or repair parts.

(8) "Dealer or distributor" means any person who is engaged in the business of purchasing equipment or repair parts for the purposes of resale.

#### Schedule A Equipment

(c) *Procedure for placing and receiving orders for Schedule A equipment.*

(1) No person shall sell or deliver any new equipment listed in Schedule A, except to a war agency, unless the purchase or delivery order is accompanied by authorization on Form WPB-1319 or by a certification as explained below.

Application for such authorization and for a preference rating must be made by filing the required number of copies of Form WPB-1319 with the War Production Board regional office in the region in which the purchaser desires to use such equipment, in accordance with the current instructions for the form. When a person receives authorization on Form WPB-1319 to purchase Schedule A equipment, he may give his supplier the authorization along with his purchase order, or, if he prefers, he may give the supplier a certification in substantially the following form: "Authorized under Order L-192—on Form WPB-1319, Case No. ...." This certification shall constitute a representation to the War Production Board that the purchase or delivery of the Schedule A equipment ordered has been specifically



authorized by the War Production Board on Form WPB-1319.

(2) A war agency shall furnish the Construction Machinery Division, War Production Board, Washington 25, D. C., with information copies of Form WPB-1319 made out in duplicate (or other written notice in duplicate) at the time that any order for such equipment is placed with a supplier.

(d) *Restrictions on production of Schedule A equipment.* Producers must not use or put into process any materials for the production or assembly of (1) any new Schedule A equipment except in accordance with such production schedules as may be approved by the War Production Board under paragraph (e), or (2) any parts to be physically incorporated into new Schedule A equipment in excess of those required by approved production schedules.

(e) *Production schedules.* On or before the 15th day of each calendar month, every producer must file on Form WPB-1689, in accordance with the instructions on the form, a statement of his production of Schedule A equipment for the previous month and his proposed production schedule of all new Schedule A equipment projected for all additional monthly periods for which production may be planned. Approval or modification of such production schedule for the period planned or for a shorter period will be indicated on an approved copy of the Form WPB-1689 returned to the producer prior to the first day of the calendar month succeeding such filing. No producer shall change his production schedules as approved or changed by the War Production Board without specific authorization of the War Production Board. When actual production in any month is less than production authorized for that month, the items not produced may be produced in any subsequent month unless the authorization is revoked or modified by the War Production Board. Therefore, such items must not be shown again as planned production on any subsequent production schedule.

(f) *Prohibiting transfer and use of new equipment.* (1) On or before the 15th day of each calendar month, every producer must file on Form WPB-1689, in accordance with the instructions on the form, a statement showing his proposed delivery schedule of all unfilled orders for new Schedule A equipment, his shipments made during the calendar month previous to filing, his shipments during the current month to the date of filing, and inventory of finished items on hand at the end of the month previous to filing. Approval of a delivery schedule of all new Schedule A equipment for the calendar month succeeding such filing will be indicated on an approved copy of the form returned to the producer prior to the first day of that month, and the sequence of deliveries will remain in force whether or not the equipment is actually shipped during that month unless the schedule is subsequently changed by the War Production Board. In addition to the requirement of authorization on Form WPB-

1319 for sales or deliveries under paragraph (c), no producer shall use for other than experimental or demonstration purposes, or sell or deliver any new Schedule A equipment unless the use, sale or delivery has been specifically approved by the War Production Board on Form WPB-1689.

(2) The War Production Board may at any time revoke any delivery authorization provided for in subparagraph (1) above as to any or all new Schedule A equipment included therein, direct or change the schedule for deliveries of any such equipment, allocate any order for that equipment listed on a producer's Form WPB-1689 to any other producer, or direct the delivery of any such equipment to any other person, at regularly established prices and terms.

(3) Notwithstanding any preference rating heretofore or hereafter granted, no producer shall change his schedule of deliveries of any new Schedule A equipment as approved or changed by the War Production Board, without specific authorization of the War Production Board.

(g) *Restrictions on resale, rental and use.* Every person, except a war agency, to whom delivery of any new equipment listed in Schedule A has been authorized pursuant to this order, must use such equipment on the project described in the authorization to purchase. In addition, every person except a war agency, thirty days prior to the sale, lease or use on any other project of such equipment, shall notify in writing the Used Construction Machinery Regional Specialist of the War Production Board Regional Office in the region in which the equipment is located. The War Production Board at any time on two weeks' written notice, may require any such person who owns such equipment to sell, lease, or use such equipment as directed.

#### *Repair Parts for Schedule A Equipment*

(h) *Restrictions on sale and delivery of repair parts for Schedule A equipment.* A supplier must not sell or deliver repair parts for Schedule A equipment to any person unless the sale or delivery is permitted by one of the following subparagraphs:

(1) *Repairs for current use.* A supplier may sell or deliver repair parts to any person for current use if the purchaser certifies that he will need the parts to replace worn out parts within 30 days after receiving them. The certification must be in substantially the following form: "Authorized under Order L-192—current use". This certification shall constitute a representation to the War Production Board that the repair parts ordered are required to replace worn out parts within 30 days after receipt of the parts ordered and are not for stock; and that the purchaser does not have other parts on hand or on order with any other supplier for this purpose. The purpose of this subparagraph (1) is to release by certification repair parts which will be put immediately (or within

30 days after receipt) into construction machinery in order that such machinery may be kept operating or put into condition to operate. This subparagraph (1) is not intended to permit the purchase of repair parts for stock. Paragraph (h) (4) tells how an equipment owner can get authorization on Form WPB-1319 from the War Production Board to purchase a stock of repair parts.

*Exception.* The above certification for current use must not be used for parts orders over \$1000 if such parts are to be used for crawler, walker, or truck type shovels, cranes or draglines, with a rated capacity of less than 2½ cubic yards. Parts orders over \$1000 for current use for such machines must be approved on Form WPB-1319, in accordance with subparagraph (4) below, before the sale or delivery can be made. Repair parts purchase or delivery orders must not be subdivided for the purpose of coming within this \$1000 limitation.

(2) *War agencies and persons repairing war agency equipment.* (i) This paragraph (h) does not restrict the sale or delivery of repair parts to war agencies for direct use by them.

(ii) A supplier may sell or deliver repair parts to any person who has contracted to repair equipment owned by a war agency if the purchaser certifies that the parts will be used only to repair equipment owned by the war agency. The certification must be given in substantially the following form: "Authorized under Order L-192—war agency contract." This certification shall constitute a representation to the War Production Board that the buyer has contracted to repair equipment owned by a war agency and that the parts ordered will be used only for the repair of that equipment.

(3) *Exports.* A supplier may sell or deliver repair parts for export on any purchase order for \$100 or less if the purchaser certifies that the parts are for export. The certification must be given in substantially the following form: "Authorized under Order L-192—for export." This certification shall constitute a representation to the War Production Board that the parts ordered are for export. If the purchase order is for more than \$100, it must be approved on Form WPB-1319, as explained in the next subparagraph. However, nothing in this order shall be deemed to relieve any person from the necessity of getting an export license from the Foreign Economic Administration where such license is required.

(4) *Specific authorization to buy repair parts.* A supplier may sell or deliver repair parts for stock or any other purpose not provided for above if the purchase or delivery of the repair parts has been specifically authorized by the War Production Board. Application for this authorization and for a preference rating, if none has been previously assigned, may be made by filing the required number of copies of Form WPB-1319 in accordance with the current instructions for the form. When a person receives authorization on Form WPB-1319, to purchase repair parts, he may give his supplier the authorization along with his purchase order or, if he prefers, he may give the supplier a certification in

substantially the following form: "Authorized under Order L-192—on Form WPB-1319." This certification shall constitute a representation to the War Production Board that the purchase or delivery of the repair parts ordered has been specifically authorized by the War Production Board on Form WPB-1319.

(5) *Sales to producers.* This paragraph (h) does not restrict the sale or delivery of repair parts to producers.

(6) *Sales to dealers and distributors.* Unless otherwise specifically directed by the War Production Board, this paragraph (h) shall not restrict the sale or delivery of repair parts to dealers or distributors located in the United States or Canada.<sup>1</sup> However, a dealer or distributor located in the United States must not purchase repair parts under this exemption to repair construction equipment owned by him. If he wants to use repair parts for that purpose, he may do so by following the procedure of paragraph (h) (1) above. For example, if he is getting repair parts from another supplier for the repair of his own equipment, he must give the certification of paragraph (h) (1) or the WPB-1319 authorization to the other supplier; if he wants to repair his equipment with parts which he originally acquired for resale, he may do so and, in that case, the certification or the WPB-1319 authorization must be placed in his file.

(i) *Certification.* Each L-192 certification provided for in paragraph (h) must be signed manually or as provided in Priorities Regulation 7. If the person signing an L-192 certification is using a preference rating on his order, he may add the L-192 certification to any certification used to apply the preference rating instead of giving two separate certifications. The standard certification of Priorities Regulation 7 must not be used instead of the L-192 certification, although the standard certification may be used along with it in applying a preference rating. A supplier may rely on any such L-192 certification unless he knows or has reason to believe it to be false. The L-192 certification may be waived in the manner provided in Priorities Regulation 7, and the one-time certification of Priorities Regulation 7 may be used instead of the L-192 certification.

(j) *Spares.* Orders for repair parts intended to be used as spares for new equipment listed in Schedule A must be placed with the supplier at the same time as the order for such new equipment.

(k) *Allocation of production of repair parts for Schedule A equipment.* No producer shall deliver to war agencies in any one month any repair parts for Schedule A equipment whatsoever in ex-

cess of 75% of his sales of that repair part during the month, if the delivery would prevent deliveries of such repair part to fill orders properly placed by other persons. Similarly, no producer shall deliver to other persons in any month more than 25% of his sales of any repair part for Schedule A equipment if the delivery would prevent the filling of orders for delivery of such repair part to war agencies. "Other persons", as used in this paragraph, shall not include dealers or distributors who have ordered repair parts for their stock or inventory. A dealer or distributor, in placing a purchase order with a producer for repair parts for which he has received a customer's order that he is unable to fill out of his stock, may state on his purchase order to the producer whether the repair part is being ordered for a war agency or not. If the repair part is being ordered for a war agency, delivery by the producer on such order shall be considered a delivery to a war agency for the purpose of this paragraph. If the repair part is being ordered for a person other than a war agency, delivery by the producer on the order shall be considered a delivery to "other persons" for the purposes of this paragraph.

(l) *Filling repair parts orders upon specific direction of the War Production Board.* A producer shall, upon the specific direction of the War Production Board on Form WPB-1319, make delivery of any repair part for Schedule A equipment to fill any order specified in such direction: When application has not previously been filed, the person authorized to receive such repair part shall return to the War Production Board a signed copy of Form WPB-1319 as confirmation of the application. However, confirmation copies need not be filed by war agencies.

#### *Schedule B Equipment*

(m) *Restrictions on sale and delivery of Schedule B equipment.* After August 3, 1944, no person shall sell or deliver any new equipment listed on Schedule B unless the sale or delivery bears a preference rating of AA-5 or higher. This restriction does not apply to deliveries on orders placed before August 3, 1944.

(n) *Restrictions on production of Schedule B equipment.* On or before the 15th day of August 1944, and on or before the 15th day of October, January, April and July thereafter, every producer must file on Form WPB-1689, in accordance with the instructions on the form, a statement of his deliveries of new Schedule B equipment for the previous three months and his proposed production of all new Schedule B equipment for all succeeding calendar quarters for which production may be planned. Approval or modification of the quantity of such equipment to be produced in the calendar quarter succeeding such filing or for a longer period will be indicated on a copy of the Form WPB-1689 returned to the producer prior to the first day of the calendar month succeeding such filing. A producer must not during any period produce more units of any type of Schedule B equipment than the quantity ap-

proved for that period by the War Production Board of Form WPB-1689 without a specific authorization from the War Production Board. When actual production in any quarter is less than production authorized for that quarter, the quantity not produced may be produced in any subsequent quarter unless the authorization is revoked or modified by the War Production Board. Therefore, such items must not be shown again as planned production on any subsequent report. Production schedules of Schedule B equipment are not "frozen schedules" under Priorities Regulation 18.

(o) *Repair parts for Schedule B equipment.* This order does not restrict the sale or delivery of repair parts for Schedule B equipment.

#### *Schedule D Equipment*

(p) *Restrictions on production of Schedule D equipment.* Producers must not use or put into process any materials for the production or assembly of any equipment listed in Schedule D.

(q) *Sales and delivery of Schedule D equipment and repair parts therefor.* Except as provided in paragraph (p) above, this order does not restrict the sale or delivery of any equipment listed in Schedule D or repair parts therefor.

#### *Miscellaneous Provisions*

(r) *Production authorizations.* (1) Production will be authorized so that labor requirements therefor in any one plant will not interfere with war production in that plant or in any other plant located in the same area.

(2) In approving a producer's total production of equipment for delivery to persons other than war agencies, the War Production Board may, with respect to any particular type of equipment, take into consideration the producer's total production of that type of equipment during the years 1937-1941 so that each producer will get approximately his proportion of the total non-military production of the industry on the basis of his production during the years 1937-1941. In addition, the War Production Board will take into consideration, among other factors, the availability of materials and components.

(s) *Substitution and conservation of critical materials.* In the manufacture of any item of equipment or repair parts, no producer shall use any alloy steel, stainless steel, copper, brass, bronze, nickel, tin or cadmium, where the use of other less critical materials will not impair the efficiency of operation of such item.

(t) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(u) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprison-

<sup>1</sup> If a dealer or distributor located in the United States wants a preference rating to increase the size of his stock of repair parts, or to establish a new stock of repair parts for resale, he may apply for a preference rating on Form WPB-547 (formerly PD-IX) for repair parts to be obtained from a manufacturer. Such a dealer or distributor may, of course, extend any preference ratings received from his customers.

ment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(v) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter, in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal. The letter should be filed with the field office of the War Production Board in the district in which is located the plant or branch of the appellant to which the appeal relates.

(w) *Communications.* All communications concerning this order, except where specific reference is made herein to the contrary, shall be addressed to Construction Machinery Division, War Production Board, Washington 25, D. C., Ref: L-192.

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 28th day of September 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

#### SCHEDULE A

Angledozer and modifications thereof (for mounting on tractors of more than 25 drawbar H. P.)

Batchers, construction material.  
Batching plants, construction type.  
Bins, construction material, portable and stationary types.

Bulk cement handling plants.  
Bulldozers and modifications thereof (for mounting on tractors of more than 25 drawbar H. P.)

Cranes, attachments for tractor mounting.  
Cranes, crawler and rubber tired mounted power, and modifications thereof, except freight handling lift trucks.

Crushers, jaw (sizes 9" x 14" to 30" x 44" openings, inclusive); except those sizes of a type designed exclusively for mining and smelting.

Crushers, roll, construction aggregates, portable type.

Crushing plants, portable type.  
Distributors, bituminous.  
Distributors, water (street sprinklers and flushers).

Ditchers, ladder and wheel types.  
Draglines, slack line and walking types (other types—see Cranes).

Dredges and dredge equipment, except mining.

Drilling machines, portable water well and blast hole drills, churn drill type.

Dryers, construction aggregates.  
Earth boring machines, vertical auger type (except post hole diggers).

Finishers, paving (concrete or bituminous).  
Graders, earth moving (motor, blade and elevating types).

Heaters and circulators, tank car.  
Hoists, contractors and material handling

exceeding 6,000 pounds line pull at 250 FPM line speed or exceeding 1,300,000 foot pounds effort based on second wrap of cable.

Jacks, mud.  
Loaders, portable bucket (other than drag, light or scraper type coal conveyors).

Loaders, portable snow.  
Logging arches, tractor drawn.

Maintainers, road (complete machines).

Mixers, concrete construction, above 7 cubic feet.

Mixers, concrete truck or agitator type (with or without elevating towers).

Pavers, concrete.

Plants, asphalt, including travel mix type.  
Plants, bituminous patch, hot or cold mixer type (more than 10 tons per hour capacity).

Plants, soil stabilizing.

Plows, snow (rotary and blower types).

Plows, snow (V and blade types), truck, grader or railroad mounted or mounted on tractors of more than 25 H. P., including wings.

Power control units for tractors (both cable and hydraulic).

Pumps, concrete, except for well cementing.

Pumps, portable engine or electric-motor-driven pumping units mounted on skids,

with or without handles, or trailer mounted larger than 90,000 gallons per hour, self

priming centrifugal pumps, horizontal or vertical triplex piston road pumps, ordinarily

used for contractor's purposes or by contractors for dewatering and supply.

Rollers, road (pneumatic tired, portable, tandem and three wheeled types).

Scrapers, carrying and hauling, both drawn and self-propelled, except those under 2 cubic yards struck capacity.

Shovels, attachments for tractor mounting.

Shovels, crawler and rubber-tired mounted power, and modifications thereof.

Sprayers, (maintenance units) bituminous material (over 300 gallon capacity).

Spreaders, concrete paving.

Sweepers, motor pick-up, traction driven or engine driven.

Wagons, crawler trailer (contractors, logging, cane, etc.).

Washing and screening plants, portable type.

Wheels, crawler trailer (complete assemblies).

Winches, tractor mounted.

#### SCHEDULE B

Angledozer, and modifications thereof (for mounting on tractors of 25 drawbar H. P. or less).

Backfill tampers.  
Breakers, paving.

Brooms, rotary, tractor or truck mounted.

Buckets, clamshell, concrete, dragline and orange peel.<sup>1</sup>

Buckets, scraper (bottomless for dragline operation).<sup>1</sup>

Buggies and carts, concrete (hand operated and power propelled).

Bulldozers, and modifications thereof (for mounting on tractors of 25 drawbar H. P. or less.)

Cement guns.

Chutes, concrete handling.

Clay diggers.

Concrete surfacing machines, hand carried and highway types.

Conveyors, construction material, portable belt type and for portable plants.

Derricks, contractors and material handling, stiff leg, guy, pole, tripod, and other types (portable or stationary).

Discs, road, wheel mounted and harrow type for construction work.

Ditchers, blade.

Drilling machines, rock, and modifications thereof hand held or portable mounted (except electric coal and core drills).

Finegraders and subgraders, self-propelled type.

<sup>1</sup>This item may be purchased as a repair part if it is being purchased to replace a similar item that is worn out.

Finishers and rodding machines for wet concrete.

Form tamping and pulling machines.

Forms, concrete road.

Graders, under truck type.

Grapplers, rock type.

Hammers, pile.

Heaters, asphalt surface and concrete mixer types.

Hoists, contractors and material handling, hand type and power driven having specifications not exceeding 6,000 pounds line pull at 250 FPM, line speed or not exceeding 1,300,000 foot pounds effort based on second wrap of cable.

Hoppers, portable concrete.

Joint and crack filling machines.

Kettles, bituminous heating.

Mixers, aggregate pulverizer.

Mixers, concrete construction, 7 cubic feet and smaller.

Mixers, plaster and mortar.

Plants, bituminous patch, hot or cold mixer type (10 ton per hour capacity and under).

Plows, cable laying.

Plows, snow (for mounting on tractors of 25 H. P. or less).

Pumps, portable engine or electric motor driven pumping units, mounted on skids,

with or without handles, or trailer mounted 90,000 gallons per hour and smaller self-

priming centrifugal pumps, plunger pumps, or diaphragm pumps ordinarily used for

contractors purposes or by contractors for dewatering and supply, excluding farm type, industrial type and underwriters approved

fire fighting pumps.

Rippers, road.

Rollers, tamping and sheepfoot.

Scarifiers, complete machines, not attachments.

Screens, rotary, vibrator and gravity types, other than coal, mining, industrial or those for screening mud on well drilling, used as a component part of or replacement for a portable crushing, screening, or washing plant.

Screening plants, portable type.

Sprayer, (maintenance units) bituminous material (300 gallon capacity and smaller).

Spreaders, construction material.

Towers, concrete placing and material elevating.

Vibrators, concrete.

Wagons, logging (wheel type).

Wellpoint systems.

Winches, contractors (see Hoists).

#### SCHEDULE D

NOTE: Schedule D amended Sept. 23, 1944.

The manufacture of items of equipment appearing in Schedule D is prohibited in accordance with paragraph (q).

Finegraders and subgraders, drawn type.

Joint levellers.

Scrapers, drag, Fresno, and rotary over 27 cubic feet (or one cubic yard) capacity except those scheduled under Order L-257 or Order L-257-a.

[P. R. Doc. 44-15026; Filed, Sept. 23, 1944; 12:14 p. m.]

#### PART 3203—SCHEDULED PRODUCTS

[General Scheduling Order M-233, Table 14, as Amended Sept. 23, 1944]

#### PLUMBING AND HEATING DIVISION

§ 3203.15 *Table for Plumbing and Heating Division.* The following amended table is issued pursuant to the provisions of General Scheduling Order M-233:

Type of M-293 product	Designation	Applicable forms columns			
		1 Operations report	2 Shipping schedule	3 Application and authorization	4 Calendar months frozen <sup>1</sup>
1. Metal pipe fabricated beyond rolling mill shapes for resale to installers for incorporation into a piping system including but not limited to pipe which has been subjected to the following processes: bending, flanging, van stoning, welding, coiling, and beveling but not including pipe which has been threaded only or cut to a specific length only or which has been beveled by the manufacturer or welding fittings sold as such.			3401 or 3003		(1)
Boilers and boiler units, exclusive of those for marine shipment or locomotive use, as follows:					
(a) Steel low pressure heating boilers not designed to withstand a steam pressure of more than 15 pounds per square inch, all types.		3002.82	1700		(2)
(b) Steel boilers designed for steam pressure over 15 pounds per square inch, having less than 500 square feet of boiler heating surface, of the following types: <sup>2</sup>					
(i) Water tube.					
(ii) Scotch marine.					
(iii) Horizontal return tubular.		3002.82	1700		(2)
(iv) Refractory lined firebox.					
(v) Oil country.					
(c) Steel boilers designed for steam pressure over 15 pounds per square inch all sizes, of the following types: <sup>2</sup>					
(i) Steel fire box.		3002.82	1700		(2)
(ii) Vertical.					
(iii) Miniature.					

<sup>1</sup> For explanation of time during which shipping schedule is frozen see paragraph (c) (3) of M-293.

<sup>2</sup> For all boilers of types listed above under (2b) having 500 square feet of boiler heating surface and more, and boilers of Dowtherm, Mercury, Waste Heat and Electric types—see table #8 of this order.

Issued this 28th day of September 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-15022; Filed, Sept. 28, 1944;  
12:13 p. m.]

#### PART 3216—MATERIALS ENTERING INTO THE OPERATION OF TRANSPORTATION SYSTEMS

[Preference Rating Order P-142, Direction 5]

##### LUMBER QUOTAS

The following direction is issued pursuant to Preference Rating Order P-142:

The 110% quota established by paragraph (b) (1) of Order P-142 does not apply to lumber with respect to any operator who is a Class I consumer under Order L-335. He may use the rating assigned by that paragraph, but may order for delivery and receive lumber in any quarter only to the extent authorized on Form WPB-3640 pursuant to the provisions of Order L-335.

Issued this 28th day of September 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-15030; Filed, Sept. 28, 1944;  
12:14 p. m.]

#### PART 3270—CONTAINERS

[Supplementary Order L-103-b, as Amended  
Sept. 28, 1944]

##### GLASS CONTAINER AND CLOSURE QUOTAS

§ 3270.36 *Supplementary Order L-103-b.* This order lists the only products which may be commercially packed in new machine-made, glass containers

or with new metal closures. It specifies closure materials and sets forth the number of glass packages and metal closures which may be used for each listed product. In addition, some restrictions are placed upon the manufacture of closures.

The order limits "commercial packs" only. Although there are certain manufacturing restrictions, the use of glass containers or metal closures for home canning purposes is not affected.

Likewise, the provisions of this order cover only new glass containers and closures. Used containers or closures which are fabricated from used closures—that is, where the used closures are a production material—are regarded as new closures made of "waste" and are governed by the pertinent provisions of this order.

Definitions of the various terms used in this order appear in paragraph (x) hereof.

##### Restrictions on Use of Glass Containers and Closures

(Note exceptions from these restrictions in paragraphs (p) through (v)).

(a) *Prohibited acceptances and uses of glass containers and closures.* No packer shall accept delivery of or use any new glass container, or any new metal closure for packing any product not listed in a schedule of this order.

(b) *Limitations on acceptance and use of glass containers and closures.*

(1) During any calendar year beginning with 1944, no packer shall accept delivery of or use, for packing any product which is listed in a schedule of this order, more new glass containers or

more new metal closures (other than closures made of blackplate rejects, waste or aluminum) than his quota for that product.

(2) The limitations of subparagraph (1) shall not apply in the following cases:

(i) Jobbers or retailers may obtain closures and glass containers without restriction but must resell them in conformity with the provisions of this order.

(ii) In addition to his quota, any packer may, after November 1st of each year, accept delivery of new glass containers and new metal closures (within applicable inventory limitations) in an amount no greater than that which is required to provide him with a practicable minimum working inventory on January 1st of the following year. Containers and closures accepted under this paragraph may not be used until the following year and they must be charged to the following year's quota.

(iii) During any calendar year, a packer, (other than a person who operates under the exceptions in paragraph (r)), may accept, in each of his plants, a maximum of \$5000 worth (cost price to him) of empty new glass containers, and \$1500 worth (cost price to him) of new metal closures. These containers and closures may be acquired and used in addition to those which the packer would be permitted to accept and use under the other provisions of this order, provided that they are packed in the plant which is entitled to accept them as above, with a product (listed or unlisted) for which he does not have a quota under this order.

NOTE: Subdivision (iv) formerly (iii) redesignated Sept. 28, 1944.

(iv) Certain other exceptions are set forth in paragraphs (p), (q), (r), (s) and (u) (1) and also in the schedules of this order.

(c) *Closure materials.* No packer shall accept delivery of or use, for packing any listed product, new metal closures made of any material except those permitted for that product in the schedules of this order. However, blackplate (including rejects) may be used wherever tinplate or terneplate is specified, and frozen plate may be used wherever tinplate, terneplate or blackplate is specified. Likewise, closures made of waste may be used in accordance with the following paragraph:

(d) *Closures made of waste.* Closures made of waste shall not be used for packing any product not listed in the schedules attached to this order. Closures made of waste may be used in addition to specified quotas for listed products.

(e) [Deleted Sept. 22, 1944.]

##### Quotas

(f) *General.* Closure and glass quotas are stated separately in the attached

schedules, and are not necessarily the same for any given product.

Quotas are not interchangeable as between listed products. That is, a packer who packs two products, product A and product B, must compute his quota (in the manner described in the following paragraph (g)) for each product separately. He cannot allot any portion of his quota for product A to product B, even if he does not pack his full quota of product A.

Furthermore, quotas may not be transferred from one packer to another except as provided in Priorities Regulation 7A.

(g) Computation of quotas. Glass container and closure quotas which are based on past usage (for instance, where a percentage figure followed by a calendar year—as 130% 1943—appears in a quota column) are computed as follows:

(1) The packer takes the number of new glass containers (or the number of new metal closures if he is computing his closure quota) which he used for packing that product during the named base year.

(2) He subtracts the number of new glass containers (or new metal closures) which he used for packing that product during the base year, and which were quota exempt under the provisions of any prior order of the War Production Board or under any previous amendment of this order.

(3) He multiplies the resultant figure by the applicable percentage. The glass container quotas for malt and non-alcoholic beverages (Schedule VI) are based on the number of new glass containers accepted rather than those used during the specified base period. In these cases the method of computation described in this paragraph applies, except that the word "accepted" should be substituted for the word "used" in steps (1) and (2) above. Only the new glass containers which a packer actually accepted delivery of and those which were invoiced to him during the applicable base period may be included in his quota base. But, for the purpose of making charges against quota, a packer must include the new glass containers which he actually accepts delivery of, and those which are set aside for him or held by another party for his account—whether or not they are actually invoiced to him. In a few cases, the schedules of this order set forth special rules, not covered by the above, for the computation of quotas for particular products. Such rules must be followed, and supersede the general statements contained in this paragraph (g) to the extent that they conflict with them.

(h) Use of quotas. As indicated above, most quotas are based on past use. The word "use" refers only to the actual

filling operation in the case of glass and the actual capping operation in the case of closures. Therefore, to the extent that a person did not do this directly during the base period, he has no quota, despite the fact that he may have supplied the actual packer with the product, closures, containers, etc. After December 31, 1943, any packing done for him must be within the quota of the person performing the actual filling and capping operation.

In the case of products whose quotas are based upon acceptances, a person is deemed to have "accepted" glass containers or closures (for the purpose of computing quotas) only to the extent that he himself actually took possession of them or had them invoiced to him. If he did not do this during the base period, he has no quota, and the rules stated in the preceding paragraph of this paragraph (h) apply.

Packers who use or accept new glass containers or metal closures for packing products for the account of others, as well as for their own account, must conduct both operations within their own quotas. Without a special appeals grant under this order, they cannot regard their use or acceptances of glass containers and metal closures for the account of others as an addition to their quotas. This is true even where the other person may represent to the packer that he has a quota which he is not using himself.

On the other hand, packers are entitled to include, in their own quota bases, their use or acceptances of new glass containers or new metal closures, for the account of others during the specified base periods.

#### Restrictions on Sale and Delivery of Glass Containers and Closures

(i) General restrictions. No person shall sell or deliver any glass containers or closures which he knows, or has reason to believe, will be accepted or used in violation of any provision of this order.

(j) Export. The provisions of this order do not affect or restrict the manufacture, sale or delivery of empty new glass containers or unused closures for shipment outside the continental United States.

(k) Certificates. No person shall sell or deliver any new glass containers or new metal closures except under a purchase order or contract validated by the delivery to such person of a purchaser's certificate, signed manually, or as provided in Priorities Regulation 7.

This certificate shall be in substantially the form attached hereto as Exhibit A in the case of sales or deliveries of all glass containers, and of all metal closures except malt and non-alcoholic beverage closures. Attention is called to the fact that this certificate, once filed by a purchaser with a supplier, covers all future deliveries from that supplier to that purchaser.

The certificate should be in substantially the form attached hereto as Ex-

hibit B, where sales or deliveries of malt or non-alcoholic beverage closures are concerned. This certificate differs from Exhibit A in that it must be filed with each purchase order for beverage closures in order to validate the order.

Jobbers as well as packers must file certificates in accordance with this paragraph (k). However, in Exhibit B, jobbers need only supply the information called for in sections (b) and (d) of that certificate.

(l) Outstanding certificates. Certificates previously filed with a supplier under any previous amendment of this order, shall remain valid insofar as sales or deliveries of glass containers are concerned. Exhibit A certificates previously filed under order M-104, shall remain valid insofar as closure (other than malt or non-alcoholic beverage), deliveries are concerned. In either of the above cases, no new certificate need be filed by any purchaser to validate his orders placed with the supplier to whom the previous certification was made.

(m) Cases where certificates need not be filed. No certificates shall be required for the sale or delivery of the following:

- (1) Home canning jars except when sold to a packer
- (2) Home canning closures except when sold to a packer
- (3) Returnable glass containers for packing miscellaneous dairy products
- (4) Prescription bottles and ointment jars for prescription use
- (5) Closures for prescription and ointment jars for prescription use
- (6) Glass containers or closures of any kind to retailers for resale empty or unused or to persons purchasing them from retailers.
- (7) Glass containers or closures on shipments, empty or unused, to persons outside the continental United States.

(n) Standard certifications. The standard certification provided for in paragraph (d) of Priorities Regulation 7, cannot be used in place of the certifications provided by this order; nor may the certifications provided by this order be waived in accordance with paragraph (f) of Priorities Regulation 7.

#### Restrictions Relating Solely to Manufacture of Closures

(o) Closure material. (1) No person shall use any zinc, tinplate, terneplate, blackplate, frozen plate, waste-waste or waste for the manufacture of the following types of closures:

(i) Cover caps which serve as a protective or decorative closure in addition to any original sealing medium (other than paraffin) such as another closure.

(ii) Double shell or semi-double shell caps except where one part is made of aluminum.

(iii) Two-piece closures when both pieces are made of metal (other than aluminum) except for home canning closures conforming to paragraph (o) (2).



(2) No person shall use any zinc, tinplate, terneplate, blackplate or wire (except aluminum wire) for the manufacture of any closure of the home canning type except as follows: For jelly glass lids—blackplate; for all other home canning closures—0.50 tinplate, zinc, and wire (for bales).

A manufacturer may make home-canning closures of the permitted materials without restriction as to quota. No two-piece all-metal closure manufactured pursuant to this subparagraph shall knowingly be sold to or used by any person for packing any product for sale.

(3) No person shall use any tinplate, terneplate or blackplate heavier than 90 pounds per base box for the manufacture of crown caps. This restriction does not apply to rejects, frozen plate waste, or waste.

(4) No person shall use for the manufacture of closures any tinplate with a tin coating in excess of 0.50 lb. per base box except as otherwise specified in Schedule I, where in a few instances the figure 1.50 appears in the tinplate closure material column. In those cases tinplate with a tin coating of 1.50 lbs. per base box may be used.

(5) No person shall use any wire for the manufacture of paperboard disc plug caps, except that wire may be used for such caps having a diameter of two inches or larger. This restriction shall not apply to aluminum wire.

#### *Exceptions Pertaining to Both Glass Containers and Closures*

(p) *Deliveries to certain agencies and persons.* Nothing in this order shall prohibit the purchase, acceptance of delivery, or use (such use to be in addition to any quota specified in the schedules attached to this order) of glass containers or closures by any of the following persons or by any person for packing any product to be delivered to or for the account of any of the following persons:

(1) Army, Navy, Marine Corps, Maritime Commission, War Shipping Administration of the United States (including persons operating vessels for such Administration or Commission for use thereon), or the United Seamen's Service, Inc.

(2) Any person for packing products for retail sale or distribution through post-exchanges, sales commissaries, officers' messes, servicemen's clubs, ship service stores, or outlets; provided same are located at Army or Navy Camps, are not operated for private profit and are established primarily for the use of Army or Navy personnel within Army or Navy establishments or on Army or Navy vessels.

(3) American Red Cross, United Service Organizations, or such other nonprofit Defense Recreation Committees, engaged in the operation of recreation centers in the United States, its territories or island possessions, solely for military personnel, as are certified to be within the exemption provided by this paragraph (p) (3) by the Office of Com-

munity War Services under the Federal Security Agency.

(4) Any agency of the United States purchasing for a foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(q) *Special provisions in schedules relative to exempt deliveries to certain agencies and persons.* The schedules of this order contain certain limitations on the exception provided by the preceding paragraph (p) in the case of certain products—as, for instance, malt and nonalcoholic beverages. In such cases, the provisions of the schedules are controlling and supersede paragraph (p) to the extent that they conflict therewith.

(r) *Small users.* The restrictions of this order shall not apply to any packer during any calendar year in which he neither accepts nor uses more than a total of \$5,000 worth (cost price to him) of empty new glass containers and \$1,500 worth (cost price to him) of new tinplate, terneplate or blackplate closures for all products. A packer who accepts glass containers or closures under the provisions of this paragraph, must use them in his own plant and may not deliver them for packing by anyone else. All packers owned or controlled directly or indirectly by the same person shall be deemed to be a single packer for the purposes of this paragraph.

#### *Exceptions Relative to Glass Containers Only*

(s) *Large size glass containers.* The restrictions of this order which pertain to glass containers shall not apply to any glass container with a capacity larger than 140 fluid ounces.

(t) *Glass containers of non-permitted sizes manufactured prior to January 4, 1944.* A packer may accept and use, for packing any product listed in the schedules of this order, any glass container which was manufactured before January 4, 1944, even though the container is of a size which is not permitted for that product by the schedules. Such acceptance and use must be in accordance with the quota provisions of this order and with the provisions of Order L-103.

(u) *Quota status of glass containers in inventory as of January 1, 1944.* Glass containers in the possession of a packer as of January 1, 1944, may be used by him for packing any listed product as follows:

(1) Quota free, if accepted for packing a product which had a limited quota in 1943, (unless "borrowed" as described in point 3 of this paragraph).

(2) Within quota, if accepted for packing a product which had an unlimited quota in 1943.

(3) Within quota, if borrowed against anticipated 1944 use as permitted in paragraph (e) of this order as amended November 1, 1943.

(v) [Deleted July 18, 1944.]

#### *Prior Appeals*

(w) *Appeals granted prior to December 31, 1943 under Order M-104 and*

*Order L-103-b.* All appeals granted prior to December 31, 1943 under orders L-103-b and M-104 are cancelled and shall be ineffective on and after January 1, 1944. Therefore, after that date, no person shall accept delivery of or use or shall manufacture, sell or deliver any new glass container or any new metal closure except in accordance with the provisions of this order—unless he receives a new grant on appeal after January 1, 1944.

#### *Definitions*

(x) *Definitions.* For the purposes of this order:

(1) "Glass container" means any empty new machine-made bottle, jar or tumbler, with a capacity of 140 fluid ounces or less, which is made of glass and which is suitable for packing any product. It shall not include ampoules or vials made from glass tubing.

(2) "Packer" means any person who uses glass containers or closures for commercially packing any product in the continental United States.

(3) "Home canning jar" means a glass container which is specifically made for use as a home canning jar (that is, for the purpose of packing or preserving food or food products in the home) and which carries some lettering or other marking identifying it as such.

(4) "Closure" means any new sealing or covering device affixed or to be affixed to a glass container for the purpose of retaining the contents within the container. The term shall not include bulbs or droppers for medicinal bottles.

(5) "Metal closure" means any closure which is made of zinc, tinplate, terneplate, blackplate, frozen plate, waste, or waste.

(6) "Tinplate" means sheet steel coated with tin, and includes "primes", "seconds", and all other forms of tinplate except waste and waste-waste.

(7) "Terneplate" means sheet steel coated with a lead-tin alloy, and includes "primes", "seconds", and all other forms of terneplate except waste and waste-waste.

(8) "Blackplate" means any sheet steel, other than tinplate or terneplate, and includes "rejects", and all other forms of blackplate except waste.

(9) "Frozen plate" means only tinplate, terneplate or blackplate which, since before August 9, 1943, has been held in the owner's inventory because, for any reason, it was not suitable for manufacture by the owner into articles permitted the use of steel under the provisions of War Production Board orders.

(10) "Waste-waste" means hot dipped or electrolytic tin coated steel sheets which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes or seconds.

(11) Tinmill blackplate "rejects" means steel sheets rejected during processing by the producer because of imperfections which disqualify such sheets for sale as prime blackplate.

(12) "Waste", means:

(i) Used closures made of tinplate, terneplate or blackplate;

(ii) [Deleted Sept. 28, 1944.]

(iii) Tinplate, terneplate or blackplate discs produced in the ordinary course of manufacturing screw bands for home canning closures;

(iv) Slitter or shear trimmings, or lithographing lay sheets, produced in the ordinary course of manufacturing closures or cans.

(13) The term "0.50 tinplate" wherever used in this order, includes "menders" arising in the production of such tinplate which have been hot dipped with a maximum tin coating of 1.25 pounds per base box.

(14) Continental United States means the 48 states of the United States and the District of Columbia.

#### Miscellaneous

(y) *Multiple unit users.* Any packer who uses glass containers at more than one plant may choose to compute and apply a separate quota for each plant (or group of plants) or a collective quota for all such plants. Any organization which consists of a parent corporation and one or more wholly-owned subsidiary corporations may consider itself as a single packer for purposes of this paragraph.

(z) *Applicability of regulation.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(aa) *Appeals.* Appeals from this order shall be filed by addressing a letter to the War Production Board, Containers Division, Washington 25, D. C. Ref: L-103-b.

The letter of appeal need not follow any particular form. It should state informally, but completely, the particular provision appealed from, the precise relief desired, the reasons why denial of the appeal would result in undue and excessive hardship, and such other statistical and narrative information as may be pertinent.

(bb) *Communications.* All communications concerning this order shall be addressed to: War Production Board, Containers Division, Washington (25), D. C., Ref.: L-103-b.

(cc) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or accepting further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

Issued this 28th day of September 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

EXHIBIT A—PURCHASER'S CERTIFICATE FOR ALL GLASS CONTAINER DELIVERIES AND ALL CLOSURE DELIVERIES EXCEPT MALT AND NON-ALCOHOLIC BEVERAGE CLOSURES

One copy of this certificate is to be delivered to each person from whom purchases of new glass containers or new metal clo-

sures (other than malt and non-alcoholic beverage closures) are made. Such certificate shall cover all purchases present and future.

The undersigned purchaser hereby certifies to the seller and to the War Production Board that he is familiar with Limitation Order L-103-b and that he will not use or sell any glass containers or any closures purchased from

Name of seller

Address of seller

pursuant to this or future purchase orders or contracts in violation of the terms of such order.

Date

Legal name of purchaser

By Authorized official

Title of official

Address of purchaser

Section 35 (A) of the U. S. Criminal Code (18 U. S. C. A. 80) makes it a criminal offense to make a false statement or representation as to any matter within the jurisdiction of any department or agency of the United States.

#### EXHIBIT B

Certificate required by Order L-103-b to validate each purchase of new metal closures for malt or non-alcoholic beverages. Execute in duplicate, one copy to be retained by the purchaser, and one to be filed with the seller.

#### INVENTORY

(a) Permitted inventory for quota use (30% of the 1944 quota of closures for packing malt or non-alcoholic beverages) plus the number of closures used in the preceding three calendar months for purposes described in Paragraph (p) of this order ----- gross.

(b) Inventory on date of this certification (exclusive of aluminum closures and closures which are permitted to be used without regard to quota as stated in paragraphs (d) (1), (2) and (3) of Schedule VI under Malt and Nonalcoholic Beverages) ----- gross.

(c) Permitted delivery as of date of this certification from all sellers. Line (a) minus Line (b) ----- gross.

(d) Requested delivery from ----- Seller ----- gross.

The undersigned purchaser hereby certifies to the seller and to the War Production Board that he is familiar with Limitation Order L-103-b, that the foregoing statements of inventory are true and correct, and that he will not use or sell any closures

for malt beverages or non-alcoholic beverages received from the seller pursuant to the above-described "requested delivery" in violation of the terms of such order.

Date

Legal name of purchaser

By Authorized official

Title of official

Address of purchaser

Section 35 (A) of the U. S. Criminal Code (18 U. S. C. A. 80) makes it a criminal offense to make a false statement or representation as to any matter within the jurisdiction of any department or agency of the United States.

#### SCHEDULES—GENERAL EXPLANATION

Schedules I through VI list the only products which may be packed in new glass containers or with new metal closures.

The data set forth in the two "quota" columns, opposite each product, indicate the number of new glass containers and new metal closures (determined in accordance with the general rules set forth in paragraph (g) of Order L-103-b), which may be used for packing that product. However, any special quota provisions which these schedules make applicable to any product, are controlling to the extent that they conflict with paragraph (g).

Where the "x" mark appears opposite a product in one of the columns headed "Closure Material", it indicates that, except as listed hereafter, only closures made of that material may be used to pack that product. The general exceptions from this rule are:

- (I) Closures made of blackplate may be used, within quotas, wherever tinplate or terneplate is specified.
- (II) Closures made of frozen plate may be used, within quota, wherever either tinplate, terneplate or blackplate is specified.
- (III) Closures made of waste may be used in addition to specified quotas for listed products.

All special provisions of these schedules relating to closure materials for specific products must be followed, and control to the extent that they conflict with the above.

All size specifications for glass containers set forth in these schedules must be followed in addition to the provisions of Order L-103 and its schedules.

Attention is called to Paragraphs (p) through (u) of this order which establish limited exceptions to its provisions. Here again any special provisions which these schedules contain relative to quota exemptions, as in the case of certain beverages, must be observed.

#### SCHEDULE I—FOODS

NOTE: Schedule I amended in its entirety Sept. 23, 1944.

Closures made of aluminum or blackplate rejects may be used without regard to quota or material restriction.

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure material	
			Tin plate	Black plate
1. All foods for human consumption except as otherwise listed in this schedule.	Unlimited	Unlimited		X
2. Coffee, bean or ground.	Unlimited	66% of glass use.		X
3. Shortening.	Unlimited	None.		
4. Meat and fish and products made from them, ice cream mix, apple cider, and juice, fruits (only crushed, fountain fruit and ice cream toppings), soup mix, cheese spreads, spaghetti and macaroni products, corn beef hash and sauerkraut.	Unlimited	Unlimited	X	
5. Olives, pickles, relishes, sauces, vinegar, French dressing, flavoring, extracts, spices, mustard, ketchup, chutney.	Unlimited	Unlimited	1.70	
6. All other foods for human consumption if reserved in a hermetically sealed container made sterile by heat.	Unlimited	Unlimited	1.70	

## SCHEDULE II—DRUG AND HEALTH SUPPLY PRODUCTS

(Except products listed in other schedules of this order)

Closures made of aluminum or blackplate rejects may be used for any product listed in this Schedule.

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure material	
			Tin-plate	Black-plate
1. Drug and health supply products.....	Unlimited.....	Unlimited.....		X
2. Biologicals, blood plasma, chemicals, dental supplies packed exclusively for use in the practice of dentistry, glycerites, liniments of ammonia, magmas, oils, ointments, penicillin, prescriptions, medicinal soaps and aromatic spirits of ammonia.	Unlimited.....	Unlimited.....	X	

## SCHEDULE III—CHEMICALS

NOTE: Schedule III amended in its entirety Sept. 28, 1944.

Closures made of aluminum or blackplate rejects may be used without regard to quota or material restriction.

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure material	
			Tin-plate	Black-plate
1. Ammonia products, aromatic chemicals, reagent chemicals, dental supplies, deodorants, liquid or paste (not for use on human body), dyes, germicides, hypochloride powders, phenols, photographic supplies and other liquid chemicals not specified herein.	Unlimited.....	Unlimited.....	X	
2. All other chemicals.....	Unlimited.....	Unlimited.....		X

## SCHEDULE IV—COSMETICS AND TOILETRIES

NOTE: Schedule IV amended in its entirety Sept. 28, 1944.

Closures made of aluminum or blackplate rejects may be used without regard to quota or material restriction.

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure material	
			Tin-plate	Black-plate
1. Cosmetics, solid and semi-solid types such as face creams, hand creams, vanishing creams, deodorant and antiperspirant creams and cream rouge.	Note 1....	85% of glass use....		X
2. Cosmetics and toiletries, fluid or powder; such as deodorants, antiperspirants, shampoos, hair tonics, hair dyes, wave solutions, hair rinses, after shave lotions, liquid soaps, perfumes, toilet waters, face and hand preparations, lotions, fingernail preparations.	Note 1....	50% of glass use....		X
3. Soaps, hand.....	Note 1....	100% of glass use....		X
4. Shaving cream.....	Note 1....	100% of glass use....		X

NOTE 1: The total number of new glass containers which may be used during any calendar year for packing all products in this schedule is 130% of the number of new glass containers a packer used for that purpose during 1943, after deducting the quota-exempt glass used, in accordance with paragraph (g). The quota may be used for packing any one or more of the products in this schedule.

## SCHEDULE V—MISCELLANEOUS PRODUCTS

NOTE: Schedule V amended Sept. 28, 1944.

Closures made of aluminum or blackplate rejects may be used without regard to quota.

Product	Calendar year packing quota glass	Calendar year packing quota closures	Closure material	
			Tinplate	Blackplate
1. Artists supplies.....	130% 1943.....	100% quota glass containers.		X
2. Candle tumblers.....	Unlimited.....	None.....		
3. Dental floss.....	Unlimited.....	Unlimited.....		X
4. Lighter fluids.....	130% 1943.....	100% quota glass containers.		X
5. Oils, lubricating and machine. Motor oils to be packed in quarts or larger.....	130% 1943.....	100% quota glass containers.		X
6. Tobacco and snuff not including cigars and cigarettes.....	130% 1943.....	None.....		

## SCHEDULE VI—BEVERAGES

(The rules set forth in this schedule are controlling wherever they conflict with any other provisions of Order L-103-b. However, except as modified herein, all provisions of Order L-103-b are applicable.)

## MALT BEVERAGES

**Product:** Malt beverages, including only beer, ale, porter, near beer and mixtures thereof.

## Glass Containers

(a) **Glass container quota.** 130% of the number of new returnable glass containers which the packer accepted delivery of for malt beverages during 1943—less the number of quota exempt returnable glass containers which were accepted during the period between July 1, 1943 and December 31, 1943.

(b) **Exceptions from glass quota provisions.** In addition to his quota of glass con-

tainers for malt beverages, any packer may accept delivery of the following portion of the number of new or used glass containers used, or actually to be used, during the then current calendar year for delivering malt beverages to or for any of the persons listed under paragraph (p) of this order:

(1) **Export shipments and domestic shipments in non-returnable bottles.** The full amount of glass containers (of all types) for delivering malt beverages to or for any such

person for shipment to points outside the continental United States; and the full amount of non-returnable glass containers for delivering malt beverages to or for any such person for use or distribution within the continental United States.

(2) *Domestic shipments in multiple-trip bottles.* Fifteen per cent of the full amount of multiple-trip glass containers for delivering malt beverages to or for any such person for use or distribution within the continental United States.

#### Closures

(c) *Closure quota* (See Note 3). 115% of the number of new metal closures used for malt beverages during 1943. (Quota exempt closures may not be included in base.)

(d) *Closure material.* Blackplate, electrolytic waste-waste and frozen plate, for use within quota.

Only closures made of the following materials may be used in addition to quota:

1. Closures made of blackplate rejects without any lettering or design printed thereon.

2. Closures made of used closures.

3. Closures made of used cans and discs which were in the inventory of the crown manufacturer or user on September 28, 1944 and which are made into crowns before January 1, 1945.

(e) *Closure material for armed forces.* Closures for overseas shipments of malt beverages or closures for shipments unused to overseas bottling plants, when the beverage is for delivery to the United States Army or Navy, may be made of 0.50 lb. electrolytic tinplate of 103 basis weight.

#### NON-ALCOHOLIC BEVERAGES

*Product.* Non-alcoholic beverages, including only carbonated soft drinks; non-carbonated soft drinks; unflavored carbonated waters and unflavored naturally carbonated and still waters (See Note 2); drinks consisting of fruit juices, vegetable juices and combinations thereof, where less than 85% by weight of such drinks is pure fruit juice, vegetable juice, or a mixture thereof; and sterilized milk drinks made with powdered milk.

#### Glass Containers

(a) *Glass container quota.* 110% of the number of new glass containers which the packer accepted delivery of for non-alcoholic beverage during 1941.

(b) *Exceptions from glass quota provisions.* In addition to his quota of glass containers for non-alcoholic beverages, any packer may accept delivery of the following portion of the number of new or used glass containers used, or actually to be used, during the then current calendar year for delivering non-alcoholic beverages to or for any of the persons listed in paragraph (p) of this order.

(1) *Export shipment.* The full amount of glass containers for delivering non-alcoholic beverages to or for any such person for shipment to points outside the continental United States.

(2) *Domestic consumption.* 15% of the full amount of glass containers for delivering non-alcoholic beverages to or for any such person for use or distribution within the continental United States.

#### Closures

(c) *Closure quota* (See Notes 2 and 3). 115% of the number of new metal closures used for non-alcoholic beverages during 1943 (Quota exempt closures are not to be included in base).

*Closure material.* Blackplate, electrolytic waste-waste and frozen plate, for use within quota.

Only closures made of the following materials may be used in addition to quota:

1. Closures made of blackplate rejects without any lettering or design printed thereon.

2. Closures made of used closures.

3. Closures made of used cans and discs which were in the inventory of the crown manufacturer or user on September 28, 1944 and which are made into crowns before January 1, 1945.

(e) *Closure material for armed forces.* Closures for overseas shipments of non-alcoholic beverages or closures for shipments unused to overseas bottling plants, when the beverage is for delivery to the United States Army or Navy, may be made of 0.50 lb. electrolytic tinplate of 103 basis weight.

#### WINES

*Product.* Wines.

*Glass container quota.* 130% of 1943.

*Closure quota.* 50% quota glass containers.

*Closure material.* Blackplate within quota. Closures made of aluminum or blackplate rejects may be used without regard to quota.

#### DISTILLED SPIRITS

*Product.* Distilled spirits, including cordials.

*Glass container quota.* 130% of 1943. (See Note 4.)

*Closure quota.* 50% quota glass containers.

*Closure material.* Blackplate within quota. Closures made of aluminum or blackplate rejects may be used without regard to quota.

NOTE 1: Deleted Sept. 28, 1944.

NOTE 2: Except with regard to items listed in Schedule II, no new metal closures shall be affixed to glass containers smaller than 12 fl. oz. for packing unflavored carbonated natural or mineral waters unless such glass containers were manufactured on or before June 1, 1942.

NOTE 3: No person other than a jobber purchasing for resale shall accept delivery of malt beverage or non-alcoholic beverage closures which would increase his inventory beyond 30% of his 1944 quota of such closures plus the number of closures used in the preceding three calendar months for purposes described in paragraph (p) of this order. This restriction does not apply to closures which are permitted to be used without regard to quota under paragraphs (d) (1) (2) and (3) for Malt and Non-alcoholic Beverages under this schedule.

NOTE 4: As an alternative to computing his glass quota on the basis of 130% of 1943, any packer of distilled spirits may elect to compute his quota for the calendar year 1944 as follows: 100% of 1943 plus 6 bottles for each proof gallon of distilled spirits manufactured during August of 1944 that he uses for packing for beverage purposes.

SCHEDULE VII: Revoked Sept. 28, 1944.

INTERPRETATION 1: Revoked Jan. 4, 1944.

#### INTERPRETATION 2

##### GLASS CONTAINER AND CLOSURE QUOTAS

Paragraph (g) sets forth the method for computing a packer's quota of new glass containers or new metal closures. The first step in the process (subparagraph (1) of paragraph (g)) is to take the number of new glass containers or new metal closures used or accepted for packing that product during the named base period. In arriving at this number a packer may not include more containers or closures than he was permitted to accept or use under the provisions of the applicable order in existence at the time. New glass containers or new metal closures accepted or used pursuant to the grant of

an appeal are properly included in making the computation. (Issued Apr. 3, 1944.)

#### INTERPRETATION 3

A caterer or restaurateur, who fills glass containers with food which is ready for consumption, for the purpose of delivering it to a plant to be served in in-plant feeding operations, is not a packer within the meaning of the term as defined in paragraph (x) (2) of this order and therefore not subject to the restrictions contained in it. He may properly use the certification contained in Exhibit A in placing his purchase orders if the glass containers are to be used for this purpose only. (Issued May 15, 1944.)

[F. R. Doc. 44-15924; Filed, Sept. 23, 1944; 12:13 p. m.]

#### PART 3270—CONTAINERS

[Limitation Order L-103, Schedule B, as Amended Sept. 23, 1944]

#### GLASS CONTAINERS AND CLOSURE SIMPLIFICATION; MALT BEVERAGES

§ 3270.48 *Schedule B to Limitation Order L-103—(a) Definitions.* For the purposes of this schedule:

(1) "Malt beverages" means beer, ale, stout, near-beer, and beverages of a similar kind, made by alcoholic fermentation of malted barley with or without other food products, and with hops or hop extracts.

(2) A "standard glass container for malt beverages" means a glass container described in Exhibits B-1, B-2, B-3-a, B-4, B-5-a, B-6 to B-9, inclusive, B-10-a, and B-11 to B-14, inclusive of this schedule, which possesses the finish prescribed for the respective container in the said exhibits or any other finish which is interchanged therewith in accordance with paragraph (g) of Limitation Order L-103.

(b) *Restrictions.* (1) Only standard glass containers for malt beverages may be produced for bottling malt beverages.

(2) No molds may be manufactured for a glass container for malt beverages which do not conform to the specifications of a standard glass container for malt beverages.

(3) The standard glass containers described in Exhibits 12, 13 and 14 shall be manufactured only for malt beverages to be shipped (i) outside of the forty-eight states of the United States and the District of Columbia, and (ii) to points within the forty-eight states of the United States and the District of Columbia to or for the account of any of the persons listed under paragraphs (p) (1) and (2) of Order L-103-b.

(4) No provision of this schedule shall be construed to restrict the sale, delivery or use of glass containers which were completely manufactured on or before September 12, 1942.

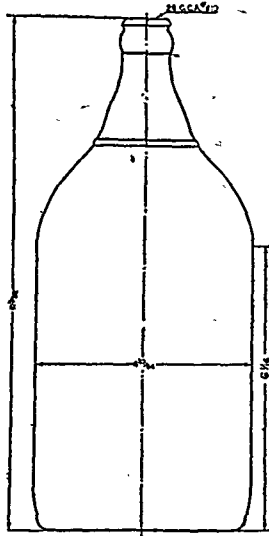
(c) *Lettering.* (1) Except as specifically permitted by the exhibits of this schedule the lettering on standard glass containers for malt beverages shall be limited to manufacturers' identification (which may include trademark, name or symbol), place of manufacture, date of manufacture by year, design number and mold or cavity number.

Issued this 28th day of September 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

## EXHIBIT B-1

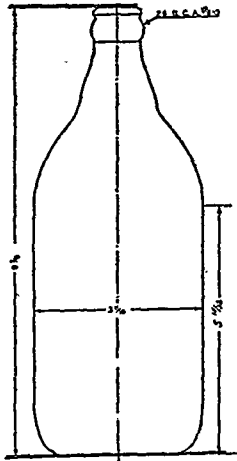
*Standard Glass Container—Steinie Shape Beer Bottle for Unpasteurized Beer 64 ounce capacity, 66½ overflow*



Bottles must be round—34 oz. wt.

## EXHIBIT B-3-A

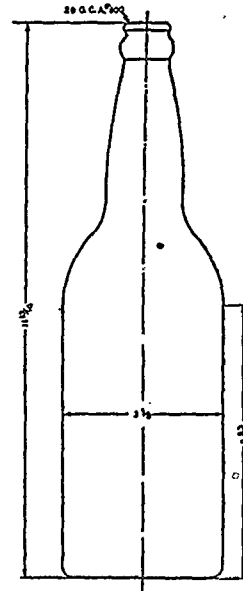
*Standard Glass Container—Steinie Shape Beer Bottle, 32 ounce capacity, 33¾ overflow*



Any interchangeable finish may be used.  
Optional weights 20 and 24 oz.—adjust diameter to make capacity.  
Bottles must be round.

## EXHIBIT B-5-A

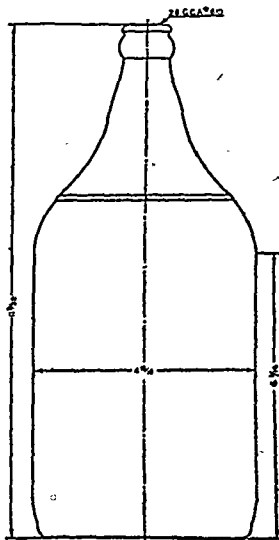
*Standard Glass Container—Export Shape Beer Bottle, 32 ounce capacity, 33¾ overflow*



Bottles must be round—28 oz. wt.  
Any interchangeable finish may be used.

## EXHIBIT B-2

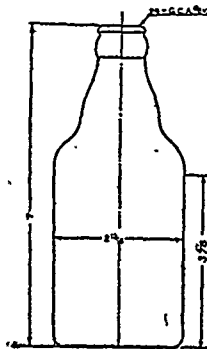
*Standard Glass Container—Steinie Shape Beer Bottle for Pasteurized Beer, 64 ounce capacity, 68 overflow*



Bottles must be round—39 oz. wt.

## EXHIBIT B-4

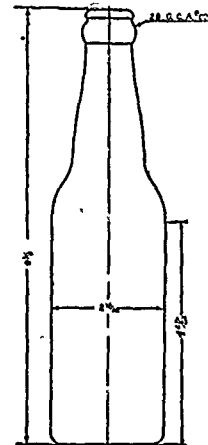
*Standard Glass Container—Steinie Shape Beer Bottle, 12 ounce capacity, 12¾ overflow*



Bottles must be round 9¾ oz. wt.

## EXHIBIT B-6

*Standard Glass Container—Export Shape Beer Bottle, 12 ounce capacity, 12¾ overflow*

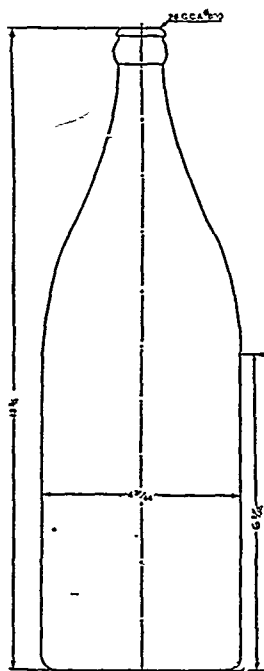


Bottles must be round—12 oz. wt.



EXHIBIT B-7

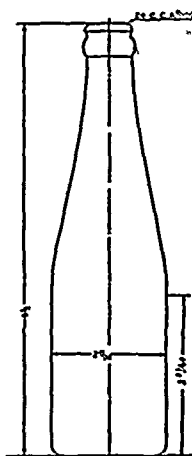
Standard Glass Container—Select Shape Beer Bottle for Pasteurized Beer, 64 ounce capacity, 68 overflow



Bottles must be round—39 oz. wt.

EXHIBIT B-9

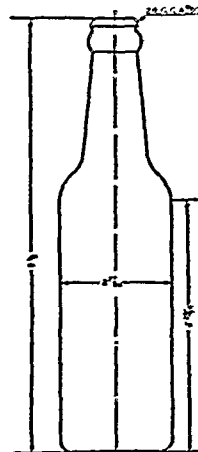
Standard Glass Container—Select Shape Beer Bottle, 12 ounce capacity, 12 5/8 overflow



Bottles must be round—12 oz. wt.

EXHIBIT B-11

Standard Glass Container—Ale Bottle, 12 ounce capacity, 12 5/8 overflow

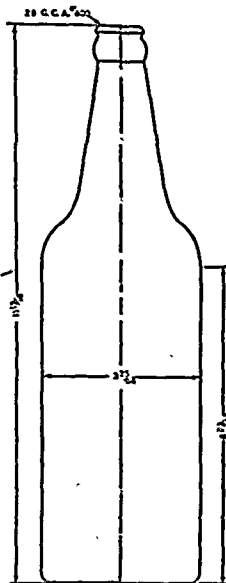


Bottles must be round—12 oz. wt.

EXHIBIT B-10-A

Standard Glass Container—Ale Bottle, 32 ounce capacity, 33 1/4 overflow

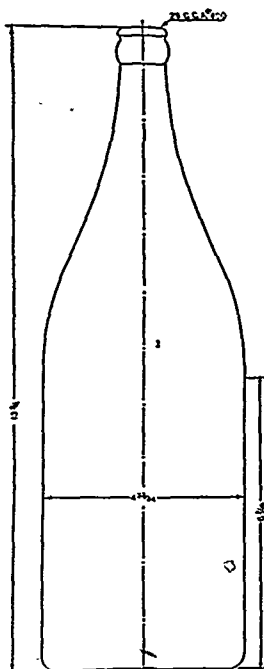
ANY INTERCHANGEABLE FINISH MAY BE USED



Bottles must be round—28 oz. wt.

EXHIBIT B-8

Standard Glass Container—Select Shape Beer Bottle for Unpasteurized Beer, 64 ounce capacity, 66 1/2 overflow

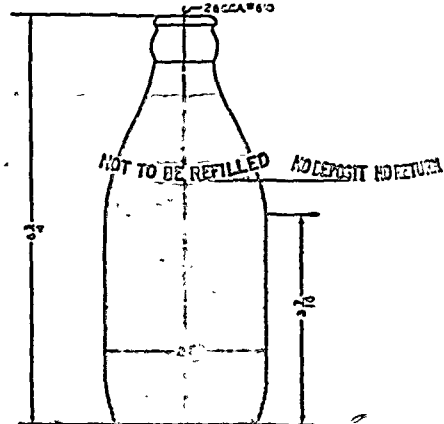


Bottles must be round—36 oz. wt.

EXHIBIT B-12

Standard Glass Container—Single Trip Beer Bottle, 12 ounce capacity, 12 5/8 overflow

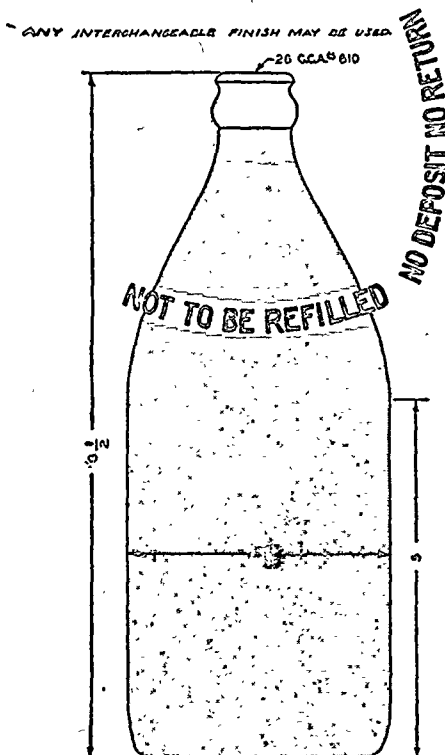
ANY INTERCHANGEABLE FINISH MAY BE USED



The bottle shall be round with stippling and lettering as shown—8 oz. max. weight.

## EXHIBIT B-13

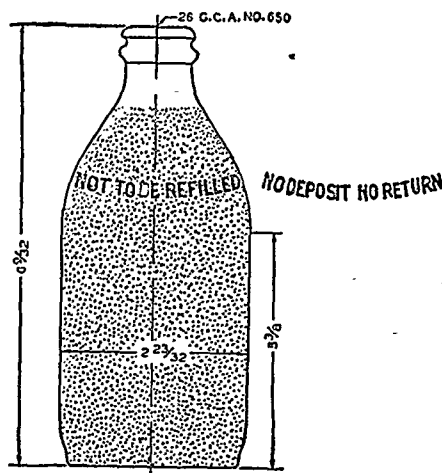
Standard Glass Container—Single Trip Beer Bottle, 32 ounce capacity, 33 $\frac{3}{4}$  ounce overflow.



The bottle shall be round with stippling and lettering as shown—18 oz. max. weight.

## EXHIBIT B-14

Standard Glass Container—Single Trip Beer Bottle, 12 ounce capacity, ounce overflow.



The bottle must be plain round, except for stippling and lettering shown—6 $\frac{1}{2}$  oz. max. weight.

## PART 3274—MACHINE TOOLS AND INDUSTRIAL SPECIALTIES

[General Preference Order E-1-b, as Amended Sept. 28, 1944]

## PRODUCTION AND DELIVERY OF MACHINE TOOLS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of machine tools and components used in producing machine tools for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3274.1 General Preference Order E-1-b—(a) Definitions. For the purposes of this order:

(1) "Machine tool" means any new, non-portable, power driven, metal-working machine listed on the attached Exhibit A except light power driven tools subject to Limitation Order L-237.

The word "machine" means a machine tool. It includes all fixtures, equipment and tooling covered by the original purchase order which are required to be delivered with the machine to make it usable in production for the purposes intended. It does not include replacements, spare parts or equipment, or extra tooling.

(2) "Producer" means any person engaged in producing machine tools.

(3) "Service purchasers" means those whose purchase orders for machines call for delivery to a supply arm or bureau of the Army or Navy, to the United States Maritime Commission, to one of their prime contractors, or to a subcontractor of such a prime contractor. However, no such purchaser shall be considered a service purchaser unless his preference rating certificate or endorsement accompanying his purchase order shows that the preference rating being applied to the purchase was assigned on Form WPB-542, CMPL-224, or GA-1456, or that the rating was assigned and certified in accordance with paragraph (e) (3) of War Production Board Directive 31.

(4) "Foreign purchasers" means those whose purchase orders show that the machine is to be delivered to or for the account of a foreign country, other than Canada, or a subdivision, agency, or instrumentality thereof.

(5) "Other purchasers" means all purchasers other than service purchasers and foreign purchasers, whose purchase orders have been assigned a preference rating of AA-5 or higher. Other purchasers include all Canadian purchasers except those who are service purchasers by reason of their purchasing machines for use on direct United States prime contracts or subcontracts.

(6) "Size" includes all of those dimensions or variations of a particular type of machine which can be used interchangeably for production purposes. Size classification shall be that used by each producer on June 22, 1944 unless he is hereafter authorized to use a different classification. Producers may apply for such

permission by writing to the Tools Division, War Production Board, Ref.: E-1-b.

(b) *Delivery of machine tools until September 1, 1944.* Until September 1, 1944 each producer shall maintain his production and delivery schedules as established on June 22, 1944. An exception to this is any change in schedules required by a diversion or by any other specific direction of the War Production Board issued after June 22, 1944.

(c) *Allocation of production to service purchasers and to foreign purchasers and other purchasers.* (1) Starting September 1, 1944, each producer shall schedule his deliveries for each calendar month so as to deliver 75 percent of his production of each size in that month to service purchasers and 25 percent of each size to foreign purchasers and other purchasers combined.

(2) To the extent that a producer has not received orders from service purchasers for 75 percent of his production of a given size by sixty days prior to the first of the month being scheduled, he may schedule more than 25 percent for delivery to foreign purchasers and other purchasers combined. To the extent that he has not received orders from foreign and other purchasers combined for 25 percent he may schedule more than 75 percent for delivery to service purchasers.

(d) *Distribution of 75 percent of production among service purchasers.* Each producer shall schedule deliveries to service purchasers as follows:

(1) Service purchasers are subdivided into seven groups, consisting of the following and their respective prime contractors and subcontractors: Bureau of Ships (Navy), Bureau of Ordnance (Navy), Ordnance Department (Army), Air Forces, Miscellaneous Branches and Bureaus, the Maritime Commission, and the Signal Corps. The fourth group, designated "Air Forces," includes the Army Air Forces and the Navy Bureau of Aeronautics and their respective prime contractors and subcontractors. The fifth group, designated "Miscellaneous Branches and Bureaus," includes the Quartermaster Corps, the Corps of Engineers, the Office of The Surgeon General (Army Medical Department), the Chemical Warfare Service, the Transportation Corps (Transportation Service), the Bureau of Yards and Docks, and the Marine Corps, together with any other corps, department, bureau or service of the Army or Navy not heretofore designated as a separate group, and their respective prime contractors and subcontractors.

(2) (i) Each producer shall figure the number of orders on his books for each size from each of the seven service purchaser groups as of sixty days prior to the first day of the month being scheduled or, at the producer's option, the nearest date within ten days thereof on which he may have compiled his record of orders. Only orders which require delivery in the month being scheduled or in a previous month shall be counted. This figure shall be termed the net backlog of each service purchaser group. No order shall be counted unless it is a firm order accompanied by specifications or other description of the machine in

sufficient detail to enable the producer to place the machine in his production schedule and by the information required by paragraph (f) of this order.

(ii) He shall then distribute the number of machines of this size allocated to all service purchasers for the month being scheduled among each of the seven service purchaser groups according to each group's quota. The quota of this size for each service group shall be the ratio of:

(a) Net backlog in this size of the service group to

(b) The total of all net backlogs in such size of all the service groups,

multiplying by the total number of machines of this size allocated for the month being scheduled to all service purchasers. An example of the calculation required by this paragraph is attached, marked "Illustration of paragraph (d) (2)."

(iii) The quota shall be determined monthly for the third ensuing month. For example: On the 1st of July quotas shall be determined for September, on the first of August quotas shall be determined for October, and on the first of September quotas shall be determined for November, etc.

(3) Commencing with the month of September 1944 and each month thereafter, a producer shall deliver to each service group the number of machines of that size equal to its quota for that month. However, no producer shall schedule delivery of any machine earlier than the date on which the purchaser requires delivery unless all required delivery dates on other orders are being met.

(e) *Treatment of fractions.* Where the number of machines which results from any computation required by this order contains a fraction of more than one-half, the fraction shall be counted as a whole machine. A fraction under one-half shall be disregarded, except that where the computation results in a fraction only (less than one whole machine) for any one month, and such fraction is less than one-half, it shall be counted in computing the next month's quota. Where each of the computations of two or more different quotas for the same month shows a fraction of one-half, and there is only one remaining machine to which such fractions can apply, such machine shall be allotted to the group having the largest quota, and the other fractions of one-half shall be disregarded for that month, but shall be counted in computing the other quota or quotas for the next month.

(f) *Necessity for preference rating.* No producer shall place any order for a machine in his production schedule and no producer or other person shall deliver or accept delivery of any machine unless it is rated AA-5 or higher. However, a producer who has filled all rated orders on their required delivery dates may deliver a total of not more than ten machines (irrespective of size and type) to his different dealers within the continental United States without ratings. A producer may distribute these ten machines among his dealers in any way he wishes. Upon the sale of any of these

machines, if he has then fulfilled all rated orders, he may deliver additional machines to maintain a total of not more than ten machines among his different dealers.

Any dealer so receiving a machine may resell it only on a rating of AA-5 or higher and may not extend the rating received from his customer to replace it in his inventory.

In applying a preference rating to an order for a machine tool, the purchaser must supply the following information in addition to his regular endorsement or certification applying the rating:

(1) The form of preference rating certificate or the number of the order or regulation by which the rating was assigned to the purchaser. For example: Form WPB-541, WPB-542, WPB-1319, CMPL-224, GA-1456, P-68, CMP Regulation 5.

(2) The urgency standing assigned to the delivery of the machine, if any.

(3) The required delivery date of the machine.

(4) A statement as to whether the purchaser is a service purchaser, a foreign purchaser, or other purchaser, and if a foreign purchaser the foreign country to which the machine is to be delivered.

(5) In the case of service purchasers the supply arm or bureau of the Army or Navy, or the Maritime Commission which placed the prime or subcontract on which the machine being purchased is to be used, the number of the prime contract and the name of the prime contractor.

(g) *Operation of Numerical Master Preference List.* Numerical Master Preference List, Revision No. 6, designated "Restricted," has been supplied to machine tool builders (Exhibit B to this order). This list determines the sequence of deliveries as between service purchasers as follows:

(1) The sequence of deliveries among each group of service purchasers within its respective quota shall be determined each month without regard to preference ratings.

(2) Deliveries to service purchasers who are either on the list or are subcontractors of persons on the list shall take precedence over service purchasers who are not on the list.

(3) As between deliveries having conflicting required delivery dates and to be made to service purchasers on the list, priority shall be given to the service purchaser with the higher urgency standing in that service group. The highest urgency standing is No. 1.

(4) The sequence of conflicting deliveries to service purchasers not on the list shall be determined by the respective dates on which the producer receives the preference rating together with the information called for by paragraph (f).

(5) Delivery to a subcontractor not specifically named on the list shall take the urgency standing of his prime contractor. However, no subcontractor may use the urgency standing of his prime contractor unless it has been endorsed on the instrument assigning the preference rating by the supply arm or bureau concerned.

(6) If the urgency standing certified to by the purchaser differs from the urgency standing shown for the particular contractor in question on the Numerical Master Preference List, Revision No. 6, the latter shall govern.

(h) *Additions to list.* Changes may be made in the Numerical Master Preference List from time to time by the War Production Board. Where an urgency standing between existing urgency standings is assigned, the new urgency standing will consist of a number including a decimal. Such an urgency standing will take a position in the sequence of deliveries as indicated by the following example: Urgency Standard 792.1 will be scheduled after 792 and before 793.

(i) *Sequence of deliveries among foreign purchasers and other purchasers.* The sequence of deliveries among foreign purchasers and other purchasers within the proportion of production allocated to them shall be determined in accordance with the provisions of § 944.7 of Priorities Regulation No. 1.

(j) *"Frozen" period.* Unless the War Production Board specifically orders otherwise, no higher preference rating or urgency standing which may be received by a producer shall operate to postpone or in any way affect any delivery under a purchase order which is scheduled for delivery within sixty days of receipt of such higher preference rating or urgency standing.

(k) *Replacement parts.* Nothing in this order shall be construed to prohibit the delivery by any producer of repair and replacement parts for machine tools in accordance with applicable regulations and orders of the War Production Board concerning maintenance, repair and replacement items.

(l) *Changes in schedules.* Notwithstanding any other provision of this order, the War Production Board may direct or change any schedule of production or delivery of machines, allocate any order for machines to any other producer, divert or otherwise direct the delivery of any machine to any other person.

(m) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(n) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal. This appeal should be filed with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(o) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regula-

tions of the War Production Board, as amended from time to time.

(p) *Communications.* All reports required to be filed hereunder, and all appeals and other communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Tools Division, Washington 25, D. C., Ref.: E-1-b.

Issued this 28th day of September 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

EXHIBIT A

NOTE: Exhibit A, amended Sept. 28, 1944.

All types of the following:

Ammunition machinery.

Bending machines.

Bending rolls.

Boring machines.

Brakes.

Broaching machines.

Buffing machines.

Centering machines.

Chamfering machines.

Cut-off machines.

Die sinkers.

Draw benches.

Drilling machines.

Duplicators.

Extruding machines.

Filing machines.

Forging machines.

Forging rolls.

Gear cutting machines.

Gear finishing machines.

Grinding machines.

Hammers.

Heads.

Honing machines.

Keyseaters.

Lapping machines.

Lathes.

Levelers.

Marking machines.

Milling machines.

Nibbling machines.

Oil grooving machines.

Pipe flanging-expanding machines.

Planers.

Polishers.

Presses.

Profilers.

Punching machines.

Reaming machines.

Rifle and gun working machines.

Riveting machines.

Sawing machines.

Screw and bar machines.

Shapers.

Shearing machines.

Slotters.

Swagers.

Tapping machines.

Thread rollers.

Threading machines.

Tube reducers.

Upsetters.

Illustration of paragraph (d) of E-1-b for September 1944.

Producer's scheduled production for September.....

Service quota (75% if that many orders).....

Item	Total service	Bureau of Ships	Bureau of Ordnance	Ordnance Department	Air Forces	Miscellaneous branches and bureaus	Maritime Commission	Signal Corps
1. Net backlog by Service Groups (orders on hand June 1 requiring delivery in September or prior to September).....	50	10	5	20	15	0	0	0
2. Proportion of total service deliveries (net backlog of each service group divided by total net backlog for all service groups).....	4%	1%	5%	2%	1%	0	0	0
3. Service group quota—Total service quota (30) times line 2.....	30	6	3	12	9	0	0	0

[F. R. Doc. 44-15016; Filed, Sept. 28, 1944; 12:12 p. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-124 as Amended Sept. 28, 1944]

RUBBER YARN AND ELASTIC THREAD

§ 3290.36 *Conservation Order M-124—(a) Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Restrictions on use and delivery.* No person shall knit, weave or otherwise process or use, sell, deliver, purchase, order or accept any rubber yarn, latex yarn or elastic thread including all types of synthetic rubber yarn or synthetic rubber thread, except:

(1) As specifically authorized by letter or telegram of the War Production Board.

(2) For sale or delivery by or to the Defense Supplies Corporation or its representatives;

(3) Any rubber yarn, latex yarn or elastic thread in a retail merchant's stock as such on March 29, 1942.

Until December 1, 1944, the restrictions of this paragraph (b) shall not apply to synthetic rubber yarn or synthetic rubber thread.

(c) *Authorizations.* Any authorization requested under paragraph (b) (1) shall be filed on Form WPB-1319 (formerly PD-556), including inventory data and the prime contractor's name and prime contract number if a Government contract is involved. These reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(d) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(e) *Communications.* All reports required to be filed under, and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing, and Leather Division, Washington, (25) D. C., Ref: M-124.

(f) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Equitable distribution.* It is the policy of the War Production Board that rubber yarn, latex yarn, elastic thread and all types of synthetic rubber yarn and thread not required to fill rated orders shall be distributed equitably. In making such distribution due regard should be given to essential civilian needs, and there should be no discrimination in the acceptance or filling of orders as between persons who meet the seller's regularly established prices and terms of sale or payment. Under this policy every seller of such products, so far as practicable, should make available an equitable proportion of his merchandise to his customers periodically, without prejudice because of their size, location or relationship as affiliated outlets. It is not the intention to interfere with established channels and methods of distribution unless necessary to meet war or essential civilian needs. If voluntary observance of the policy outlined is inadequate to achieve equitable distribution, the War Production Board may issue specific directions to named concerns. A failure to comply with a specific direction shall be deemed a violation.

Issued this 28th day of September 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-15021; Filed, Sept. 28, 1944; 12:13 p. m.]

PART 3291—CONSUMERS DURABLE GOODS

[Limitation Order L-98, as Amended Sept. 28, 1944]

DOMESTIC SEWING MACHINES

§ 3291.280 *Limitation Order L-98—(a) Definitions.* For the purposes of this order:

(1) "Domestic sewing machine" means any sewing machine designed for household use.

(2) "Attachment" means any special purpose detachable device which is designed for use with a domestic sewing machine but which is not essential to the most simplified operation of such machine.

(3) "Part" means any part manufactured for incorporation into an attachment or into a domestic sewing machine. It includes, for example, a needle, cabinet, portable base, cover, table and stand. It does not include attachments, electric motors, or motor controllers.

(4) "Manufacturer" means any person in the business of making new domestic sewing machines, attachments or parts, and any person who was in that business in 1940.

(b) Restrictions on production. (1) No person shall manufacture or assemble any new domestic sewing machine or any new attachment.

(2) No manufacturer shall make or transfer any new domestic sewing machine part if he knows or has reason to believe that that part will be used for any other purpose than the repairing of a used domestic sewing machine.

(3) No manufacturer shall make any part if by making that part he would have more parts of that type in his inventory than twice the number he sold in the second preceding calendar quarter. However, a manufacturer making parts in order to bring his inventory of that type of part up to twice the number he sold in the second preceding calendar quarter, need not make less than a minimum practical run of that part in order to comply with this paragraph (b) (3).

(4) It will be the general policy of the War Production Board to allocate controlled materials and give priorities assistance for the purchase of all other materials for the manufacture of parts under the Controlled Materials Plan, only to the extent that the manufacture of parts in any one plant or labor requirements therefor will not interfere with war production in that plant or any other plant located in the same area.

(c) Electrification prohibited but other renovations and repair allowed. No person shall commercially convert a non-electric domestic sewing machine, whether new or used, so as to make it operate by electricity. Any other repair, rebuilding, renovation or reconditioning (including the final assembly of a new domestic sewing machine into a cabinet, portable base and cover, or table and stand) is allowed.

(d) Restrictions on transfer of domestic sewing machines. No manufacturer shall transfer physical possession, or title to any new domestic sewing machine, except

(1) As specifically authorized by the War Production Board in writing. Applications for such authorization should be made by filing a letter with the War Production Board, Washington, 25, D. C. Ref: L-98.

(2) For delivery to or for the account of the Army, Navy, War Shipping Administration, or Veterans' Administration; on Lend-Lease and export orders, and on orders stating on their face that the domestic sewing machines are for ship board use.

(e) Reports. All manufacturers must file with the War Production Board, on or before the twentieth day of April, July, October and January, Form WPB-1600 (formerly PD-655) showing all new domestic sewing machines shipped or delivered in the preceding calendar quarter.

(f) Violations. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or fur-

nishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(g) (1) Exceptions and appeals. Any person who wants to manufacture or assemble new domestic sewing machines or new attachments; or any person who wants to make or transfer any parts, the production or transfer of which is prohibited or restricted by paragraph (b) (2) or (b) (3) of this order, may apply for permission to do so as provided in Priorities Regulation 25. The transfer of physical possession or title to any new domestic sewing machine is not subject to the distribution restrictions of paragraph (d) when authorization to manufacture is obtained under Priorities Regulation 25.

(2) Appeals. Any appeals from the restrictions of this order, other than the restrictions of paragraph (b), should be filed on Form WPB-1477 (in triplicate) with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. No appeal should be filed from the restrictions of paragraph (b).

(h) Applicability of other orders and regulations. The provisions of this order and all transactions affected thereby are subject to all applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of domestic sewing machines, attachments or parts to a greater extent than this order does, the other order shall govern unless it states otherwise.

(i) Communications. All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L-98.

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 28th day of September 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHEELAN,  
Recording Secretary.

[F. R. Doc. 44-15023; Filed, Sept. 28, 1944;  
12:13 p. m.]

#### PART 3296—SAFETY AND TECHNICAL EQUIPMENT

[General Limitation Order L-200, as  
Amended Sept. 28, 1944]

#### X-RAY EQUIPMENT

§ 3296.61 General Limitation Order  
L-206—(a) Purpose of this amended

order. This order is a complete revision of Order L-206 as it stood prior to November 29, 1943. The provisions of this order take the place of the provisions of the older editions of L-206. The principal purpose of this revised order is to eliminate the paper work required heretofore and to establish maximum dollar quotas for shipments of medical X-ray equipment to civilians, based on a normal pre-war base period. Shipments to persons and agencies other than civilians (as defined in paragraph (e) (8) below) will not be counted against the quota and therefore will be unrestricted. The provisions of the older editions of the order which required the filing of Form PD-774 by the manufacturers and PD-556 by prospective purchasers have been taken out of the order. Furthermore, the restrictions on models and types of X-ray equipment heretofore contained in the order have been removed by deleting Schedule A and the provisions pertaining to that schedule.

(b) Restrictions on shipments of medical X-ray equipment. (1) During the 12 months' period beginning October 1, 1943, and during every 12 months' period beginning October 1st thereafter, no manufacturer shall ship to civilians more medical X-ray equipment (by dollar value) than 75 per cent of his base period shipments. (The terms "manufacturer", "civilians", "medical X-ray equipment", and "base period shipments" are defined in paragraph (e).) Shipments to civilians during the calendar quarter beginning October 1, 1943, and during any calendar quarter thereafter, must not exceed 35 per cent of the quota permitted for the entire 12 months' period. (Shipments to civilians include shipments to distributors and dealers for resale to civilians.) In charging off shipments against the permitted quota, dollar values must be calculated on the basis of the manufacturer's published list price for the item as of November 29, 1943. If the manufacturer had no published list price for the item on November 29, 1943, the first legally authorized list price published after that date must be the basis.

(i) As an illustration of the foregoing restrictions, assume that a manufacturer's base period shipments amounted to \$1,000,000. His quota for the entire 12 months' period would then be \$750,000 (75 per cent of his base period shipments); and he would not be permitted to make shipments amounting to more than \$262,500 (35 per cent of \$750,000) during any calendar quarter.

(2) There is no restriction on the dollar value of shipments of medical X-ray equipment which may be made to the Army or Navy of the United States, the Veterans' Administration, the United States Maritime Commission, any agency of the United States Government purchasing for Lend-Lease purposes, the Canadian Army and Air Force, the Canadian Navy, or persons holding export licenses issued by the Office of Economic Warfare or the Foreign Economic Administration. Nor is there any restriction on the dollar value of shipments of industrial X-ray equipment which may



be made, regardless of who the purchaser may be.

(c) *Special directions.* The War Production Board, at its discretion, may at any time issue special directions to any manufacturer with respect to production or shipments of X-ray equipment.

(d) *Reports.* On or before December 10, 1943, and on or before the 10th day of every month thereafter, each manufacturer shall file with the War Production Board, Washington 25, D. C., three copies of a letter containing a report of shipments of X-ray equipment (by dollar value) made during the preceding calendar month. (However, the first report should show the shipments made during October and November, 1943, and shipments for each month should be reported separately.) Shipments should be reported separately for each of the following: (1) Army of the United States; (2) Navy of the United States; (3) the Veterans' Administration; (4) United States Maritime Commission; (5) Lend-Lease; (6) Canadian Army, Navy and Air Force; (7) Office of Economic Warfare and Foreign Economic Administration; (8) Canadian (civilian); and (9) Office of Civilian Requirements (all persons in the United States, its territories and possessions except the Army, Navy and Maritime Commission). Separate reports should be made for shipments of medical X-ray equipment and industrial X-ray equipment. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(e) *Definitions.* The meaning of various terms used in this order is set forth below:

(1) "X-ray equipment" means the following radiographic equipment, fluoroscopic equipment and therapy equipment: power units; radiographic, fluoroscopic, and therapy tables; photo-fluorographic units; cassette changers; and tube stands. The terms shall not include (i) any parts, accessories, or appliances used in connection with radiography, fluoroscopy or therapy, other than the items specifically named above; (ii) rebuilt equipment; nor (iii) any equipment which has at any time been sold to an ultimate user. "Medical X-ray equipment" means X-ray equipment designed for medical (including dental) use; and "industrial X-ray equipment" means X-ray equipment designed for non-medical industrial use. However, if a piece of X-ray equipment is designed for medical use but is sold for non-medical industrial use, it shall be regarded as industrial X-ray equipment; likewise if it is designed for non-medical industrial use but is sold for medical use, it shall be regarded as medical X-ray equipment. Finally, if it is designed for either medical or industrial use, its classification shall depend on the use for which it is sold.

(2) "Power unit" means a high-voltage transformer (with or without rectifying tubes) and control for X-ray use.

(3) "Radiographic, fluoroscopic or therapy table" means a table adapted for placing a patient in a position for radiography, fluoroscopy or therapy, and may be either stationary or tilting.

(4) "Photo-fluorographic unit" means an instrument for photographing the image cast by X-rays through a patient on a fluoroscopic screen. It includes a camera, supporting stand, and fluoroscopic screen. It is also known as a "photo-roentgen unit" or a "photo-fluorograph."

(5) "Cassette changer" means equipment designed to hold two cassettes (one protected from X-rays by a lead shield, and one in the radiographic field) which is constructed to interchange the position of the cassettes.

(6) "Tube stand" means a tubular or frame support (mounted on a base which is either mobile or stationary) which is designed to hold the carriage of an X-ray tube head and allow its vertical movement.

(7) "Manufacturer" means any person engaged in the manufacturing, fabricating or assembling of X-ray equipment.

(8) "Civilians" means all persons other than (i) the Army or Navy of the United States, (ii) the Veterans' Administration, (iii) the United States Maritime Commission, (iv) any agency of the United States Government purchasing for Lend-Lease purposes, (v) the Canadian Army and Air Force, (vi) the Canadian Navy, and (vii) persons required to obtain export licenses from the Office of Economic Warfare or the Foreign Economic Administration. In other words, the term "civilians" includes so-called domestic civilians, all agencies of the United States Government other than the agencies named above, and Canadian civilians.

(9) "Base period shipments" means a manufacturer's average annual shipments (by dollar value) of medical X-ray equipment during the years 1937, 1938 and 1939 to all persons located in the United States, its territories or possessions or located in the Dominion of Canada, but excluding shipments to the Army and Navy of the United States. (In other words, shipments to all persons located outside of the United States, its territories and possessions (except Canadians) and shipments to the Army and Navy of the United States should not be counted in determining base period shipments.) To illustrate how base period shipments are calculated, assume that a manufacturer's shipments of medical X-ray equipment to all persons located in the United States, its territories or possessions (except the Army and Navy) or located in the Dominion of Canada amounted to \$1,075,000 in 1937, \$900,000 in 1938 and \$1,025,000 in 1939; his base period shipments would then be \$1,000,000. In determining base period shipments, dollar values must be calculated on the basis of the manufacturer's published list prices at the time the shipments were made. Fur-

thermore, in determining dollar values of shipments of medical X-ray equipment, it should be remembered that the term "X-ray equipment" is defined in paragraph (e) (1) of this order to include only certain named items. Other items not included in that definition (such as bucky diaphragms, stationary grids, and X-ray accessories and appliances) should not be counted in determining base period shipments and should not be counted in determining the dollar value of shipments permitted under paragraph (b) of this order.

(f) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(g) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(i) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time.

(j) *Correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Safety and Technical Equipment Division, Washington 25, D. C., Ref.: L-208.

Issued this 28th day of September 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-15028; Filed, Sept. 28, 1944;  
12:14 p. m.]

#### PART 1075—CONSTRUCTION

[Conservation Order L-41, as Amended  
Sept. 28, 1944]

§ 1075.1 *Conservation Order L-41—(a)*  
*What this order does.* This order limits construction. It is necessary in order to conserve materials, construction equipment, labor and transportation. In most cases, except where the construction is of a special kind, you must get permission from the War Production Board for construction. This permission (sometimes called "authorization to begin construction") must not be confused with preference ratings or priorities. If a construction job is allowed, either because

it is not of the kind restricted by this order or because permission has been obtained, it may still be necessary to get preference ratings for the materials and fixtures which are needed. On the other hand, if you have ratings for materials, or materials on hand, you may still have to get permission to use them for a particular construction job.

(b) *What is meant by construction.* Construction covered by this order includes putting up or altering any sort of a structure, including a building, road, bridge, dam, sewer, and similar jobs; also the installing of equipment or fixtures. Certain special kinds of construction are excepted, as explained in paragraphs (c) and (d) below and in certain directions to this order.

(c) *How much construction is allowed without getting permission.* You need not get permission under this order for construction which does not total more than the limits shown in the following list for all jobs begun in the same year. For an explanation of how to figure "cost," see paragraph (i). If a utility connection (electric, gas, water or central steam heating) will be required, it may be necessary to get War Production Board approval for the connection. If so, approval for the connection must be obtained before beginning construction, even if the cost of construction comes within the limits. The limits for all jobs begun in the same year are as follows:

(1) \$200 for a house, including the entire residential property.

(2) \$1,000 for a farm including the farm-houses. However, not more than \$200 of this sum may be spent on any farmhouse on the farm. A "farm" means a place used primarily for raising crops, livestock, dairy products, poultry, etc., for the market. A "farm-house" means a building on a farm used for residential purposes.

(3) \$1,000 for a hotel, apartment building or other residence for six or more families. Any residence for five or less families is considered a house under (1) above.

(4) \$200 for an office, bank, store, laundry, garage, restaurant, or other retail service establishment, except that the limit is \$1,000 for a unit containing more than five establishments of this kind.

(5) \$1,000 for a church, hospital, school, college, U. S. O. Club, public playground for children, or for a publicly owned building or group of buildings used for public purposes.

(6) \$1,000 for a bridge, overpass, underpass, tunnel, dock, pier, airport, bus terminal, truck terminal operated by a common or contract carrier by truck, or for a railroad or street railway building or group of buildings.

(7) \$1,000 for an irrigation or drainage system serving more than one farm.

(8) \$1,000 for a building or group of buildings which will be used for warehouse or for off-farm storage purposes, except that the limit is \$200 for a frozen food locker plant.

(9) \$1,000 for all monuments and structures on the same cemetery lot or for all cemetery buildings or structures in the same cemetery.

(10) \$1,000 for a military exchange situated on a reservation of the Army or Navy.

(11) \$1,000 for a building or group of buildings which will be used directly for a sewage system and owned by a sewage system operator as defined in Order P-141.

(12) \$5,000 for a factory, plant or other industrial unit which is used for the manu-

facture, processing or assembling of any goods, except that the limit is \$200 if the goods are listed on Schedule A at the end of this order or if the productive floor area of the unit upon completion of construction is less than 10,000 square feet.

(13) \$200 for any other kind of construction.

(d) *Special kinds of construction which do not require permission.* It is not necessary to get War Production Board permission under this order for the following kinds of construction, and the cost of such construction need not be charged against the cost limits stated in paragraph (c).

(1) Maintenance and repair; that is, work necessary to keep a building or structure in sound working condition or fix it when it has become unsafe or unfit for service because of wear and tear; also the minimum work necessary to prevent more damage to a building or structure (or its contents) which has been damaged by fire, flood, tornado, earthquake, acts of war, or the like. Changes in material are permitted in doing maintenance and repair work. Additions, structural alterations, or the completion of unfinished parts of buildings are not considered maintenance and repair. Rebuilding or restoring after damage caused by fire, flood, tornado, earthquake, acts of war, or the like, is not permitted as maintenance and repair, but is permitted in some cases as explained below.

(2) The rebuilding or restoring of a house (including a farm house) or other residential building damaged or destroyed after July 1, 1943, by fire, flood, tornado, earthquake, acts of war, or the like, if the cost of rebuilding or restoring is less than \$5,000.

(3) The rebuilding or restoring of farm buildings damaged or destroyed by fire, flood, tornado, earthquake, acts of war or the like, if the cost of rebuilding or restoring is less than \$5,000, where the immediate reconstruction is determined by the United States Department of Agriculture to be essential to the agricultural program.

(4) The rebuilding or restoring of a building or structure damaged or destroyed by disaster, where the Red Cross has been given priority assistance to restore the disaster area, and where the rebuilding or restoring has been determined by the Red Cross to be essential.

(5) Construction necessary to prevent threatened loss of farm products, where immediate construction is determined by the United States Department of Agriculture to be essential to the agricultural program.

(6) Construction owned by the United States Army, Navy, Maritime Commission, War Shipping Administration, Coast Guard, Marine Corps, Civil Aeronautics Authority, Coast and Geodetic Survey, or Panama Canal.

(7) Insulating existing buildings with materials such as storm windows and doors, pipe covering, loose fill, blanket or bat insulation, plain or granule surfaced rigid insulation and weather stripping. Also the application of masonry veneer to existing houses. (This paragraph does not exempt the use of the above

materials for any purpose other than the insulation of an existing building against exterior cold or heat without change in the function of the building. It does not apply to the use of insulation materials in the original construction of a building or in the conversion of a building from one purpose to another, or to the use of insulation materials to make an alteration to a building. The cost of new insulating materials used in building a new building or in making alterations to or converting to a new purpose an old building must be included in the cost of the job.) Also any installation of heating and combustion equipment resulting in a saving of the fuel formerly used (not including a change to a new kind of fuel) where the total cost of the installation including the cost of the equipment does not exceed \$25,000 and where the cost of installation excluding the cost of equipment does not exceed \$5,000. Also the installation of conversion units designed for burning gas in a furnace or boiler formerly burning coal where the use of the fuel involved is not restricted for that purpose by Order U-7 or Order L-174 or where permission has been obtained for the use of the fuel from the War Production Board, Office of War Utilities.

(8) [Deleted Mar. 7, 1944]

(9) Grading, ditch-digging or similar earth-moving operations, if no cement, lumber or other building materials are used, except clay tile and non-reinforced concrete pipe. This applies only to projects which can be completed without the use of any other materials. It does not apply to earth moving operations which are part of a construction job in which other materials will be incorporated before completion.

(10) Various kinds of construction connected with farms, public roads, railroad tracks, utilities, mines, smelters, wells, the petroleum industry, the lumber industry, the chemical industry, steel mills, broadcasting facilities, laboratories, and civilian aircraft facilities as described in Schedule B.

(11) A construction job which began before this order originally became effective (April 9, 1942), or at a time when the job was not limited by this order, and has gone on without interruption.

(12) Construction jobs which are classed as minor capital additions under CMP Regulation No. 5 or under CMP Regulation No. 5A. This exception applies only to:

(i) Additions to factories, plants and other industrial units which will have a productive floor area of 10,000 square feet or more, and which are for the manufacturing, processing or assembling of goods which are not listed in Schedule A.

(ii) Hospitals.

(e) *All other construction forbidden without WPB permission.* No person shall do any construction which has not been permitted by the War Production Board, unless it is of a kind described

in paragraph (c) or (d) above. This prohibition applies to a person who does his own construction work, to one who gets a contractor to do it for him, and to any contractor or subcontractor who works on the job or gets others to work on it. It also applies to any supplier who furnishes material for the job if he knows or has reason to know that the construction has not been permitted.

(f) *How to apply for permission.* (1) Schedule C at the end of this order shows the various types of application forms, and where they should be filed.

(2) In case of emergency, application may be made by wire or in person instead of on a printed form. It must be made to the office in which a written application for the same construction should be filed. The following information must be given:

(i) Cause of the emergency (fire, flood, etc.).

(ii) What the building or structure is used for.

(iii) Type of construction.

(iv) Why immediate construction is necessary.

(v) Estimated cost of construction.

(g) *Preference rating includes permission in some cases only.* There are some forms of preference rating orders and certificates which are issued or have been issued for special kinds of construction and which include permission for construction although they do not say so. These are listed in Schedule D at the end of this order. In all other cases, a preference rating is not enough, unless the instrument which assigns the rating also states that construction is permitted under this order.

(h) *Other restrictions on use of some items.* Permission for construction or the exception of any construction from this order does not relieve any one from complying with the various WPB orders or directives which restrict the use of copper and other scarce materials or fixtures. If you do not know about these restrictions, consult the nearest War Production Board District Office.

(i) *How to figure cost.* (1) For the purpose of determining whether a construction job may be started without getting permission from the War Production Board, "cost" means the cost of the whole construction job as estimated at the time of beginning construction, including the cost of all paid labor, regardless of who pays for it, and including the cost or value of new machinery, equipment, fixtures and materials incorporated in the construction (whether or not obtained without paying for them), but excluding the cost or value of previously used machinery, equipment, fixtures, and materials, the value of unpaid labor, and architects' and engineers' fees (contractors' fees must be included).

(2) [Deleted Sept. 28, 1944]

(3) [Deleted Aug. 19, 1944]

(4) [Deleted Sept. 28, 1944]

(5) All construction on the same unit must be included. The word "unit"

means any group of buildings or structures (including roadways, pipelines, etc.) which are situated near to each other, and which serve the same general purpose, or closely related purposes. For example, each of the following is a unit: a house, together with a detached garage, tennis court, swimming pool, etc.; a farm, including the farm house, barn, hen house, dairy, etc.; a manufacturing plant with a number of buildings used for the same or different processes, together with administration buildings, cafeterias, etc. In no case may a single building or structure be treated as more than one unit.

(6) The cost per year must be determined on a calendar year basis, beginning with January 1, 1943, except that a company which regularly keeps its books on a fiscal year basis may use the fiscal year.

(j) *Penalties for violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any Department or Agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining any further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 28th day of September 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

#### SCHEDULE A

This schedule is referred to in paragraphs (c) (12) and (d) (12). In the case of a unit principally designed for the manufacture, processing or assembling of any of the following articles, the cost limit is \$200 in any one year without getting permission:

(i) Athletic supplies, sporting goods, or toys or games.

(ii) Beverages, except milk.

(iii) Books, magazines, newspapers, greeting cards, or other printed or engraved matter.

(iv) Candy or chewing gum.

(v) Cigars, cigarettes, smoking or chewing tobacco or snuff.

(vi) Jewelry, watches, luggage, brushes, razors, pipes, and like articles for personal use or adornment.

(vii) Furniture, store fixtures, barroom fixtures, bowling alleys and the like.

(viii) Silverware, woodenware, household electrical appliances, draperies, rugs, and all other household appliances and equipment, but not including china and glassware.

(ix) Musical instruments.

(x) Stationery or office supplies.

(xi) Toiletries or cosmetic products.

(xii) Wearing apparel of every sort, except for the Army or Navy and their auxiliaries, and except safety equipment or safety clothing as defined in Order L-114.

#### SCHEDULE B

Permission under this order is not necessary for the following kinds of construction which are referred to generally in paragraph (d) (10).

1. Construction of structures which are to be used directly in the discovery, develop-

ment or depletion of mineral deposits; also maintenance work, repairs and minor capital additions given priorities assistance under order P-56 (relating to mines and smelters).

2. Construction which is regulated by any petroleum administrative order or other order issued or administered by the Petroleum Administration for War (construction of this kind is permitted only to the extent authorized by the applicable petroleum administrative order or other order).

3. Construction of facilities which will be used directly in furnishing wire communications services, and which will be owned by an operator as defined in Orders U-3 and U-4.

4. Laying of railroad tracks, together with the construction of necessary railroad operating facilities; also the construction of tunnels, overpasses, underpasses or bridges where the cost of those materials to be incorporated in the project which will be acquired under P-142 or will be withdrawn from inventory materials acquired with priorities assistance (excluding the cost of other materials and excluding the labor cost) is \$2,500 or less. The above types of construction are controlled by P-142. The construction of tunnels, overpasses, underpasses or bridges where the cost of the materials acquired as stated above is more than \$2,500 and the construction of railroad stations, warehouses, loading platforms and other similar structures are not excepted by this paragraph.

5. Construction of facilities which will be used directly in furnishing electric, gas, water, or central steam heating utility services and which will be owned by a utility producer as defined in Order U-1.

6. Construction of facilities (other than buildings) which will be used directly for a sewerage system and will be owned by a sewerage system "operator" as defined in Order P-141.

7. Installation or erection of rationed farm machinery, or mechanical equipment, which has been obtained on a purchase certificate issued by a County Farm Rationing Committee under Food Production Order 14 of the War Food Administration, or of wire fencing which has been obtained on P.R. 19 certification, also the erection of farm silos which have been manufactured by a producer as defined in Order L-257.

8. Drilling and casing of water wells, but excluding any use of pipe to conduct water on the surface.

9. Use by any logger or lumber manufacturer of lumber, nails, gravel, or clay products in construction needed to change the site of logging or lumbering operations.

10. Construction which is given priorities assistance under Order P-89 (relating to facilities for the manufacture of chemicals).

11. Construction which is given priorities assistance under Order P-68 (relating to facilities for the manufacture of steel).

12. Rearrangement or expansion of facilities or equipment, other than buildings, by an international point-to-point radio communication carrier to the extent that priorities assistance is granted for such work under P-133 or any corresponding direction to CMP Regulation 5.

13. Construction which is given priorities assistance under paragraph (c) (2) of Order P-43 (relating to laboratories).

14. Construction of public highways and public streets owned by a Government Agency (construction of this kind is controlled by Order L-41-e).

15. Construction which is given priorities assistance under P-47 (relating to civilian aircraft facilities).

## SCHEDULE C

Application forms to be used in obtaining permission to begin construction under L-41 and where to file them, unless otherwise instructed. These forms are to be used whether or not priorities assistance or controlled material allotments are required.

Types of construction	Application form	Where filed
Farm construction, including farm dwellings.....	WPB-617 (formerly PD-300).	County Agricultural Conservation Committee having jurisdiction over the site.
Housing covered by W. P. B. Directive 24.....	WPB-536 (formerly PD-105).	FHA Field Office having jurisdiction over the site.
Public roads.....	PR 1 FA.....	State Highway Department having jurisdiction over the site.
All other construction restricted under L-41.....	WPB-617 (formerly PD-300).	Consult instruction form WPB-617.

NOTE: The application forms specified in Schedule C have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

## SCHEDULE D

The following preference rating orders or certificates are referred to in paragraph (g). If you have received or are entitled to use one of these orders or certificates for your construction, the construction is permitted by the WPB:

P-19-h.....	Relating to projects important to the war effort or essential civilian needs.
CMPL-224.....	
GA-1456.....	
P-55-c.....	Housing.
WPB-2774.....	Relating to utility facilities.
WPB-542.....	Relating to command construction and certain other construction carried on under the supervision of the Armed Services.
PD-3A.....	
CMPL-593.....	
Navy (Army).....	
P-14-a.....	
P-14-b.....	
P-19.....	
P-19-a.....	
P-19-d.....	
P-19-e.....	
P-19-g.....	
P-19-l.....	
P-41.....	
P-55-b.....	
P-55-amended.....	
P-110.....	
PD-3.....	
CMPL-127.....	

## INTERPRETATION 1

[Superseded by L-41, as amended November 1, 1943, which incorporates the substance of the interpretation.]

## INTERPRETATION 2

Conservation Order L-41 (§ 1075.1) does not apply to the construction or erection of temporary motion picture sets of a kind which may be stored between the taking of pictures, nor to the incorporation of such temporary sets into permanent sets for the taking of a single motion picture. However it does apply to the construction of permanent outdoor motion picture sets and foundations for sets of a kind which are designed for use in more than a single picture at one location. (Issued Nov. 13, 1943)

## INTERPRETATION 4

## PORTABLE STRUCTURES ON SKIDS

The erection of a portable or pre-fabricated building is construction and, consequently, is limited by Order L-41 whenever the building is either placed on a foundation constructed on the site or is placed on skids in a spot where it is intended to remain for an undetermined time. The only case in which the erection of a portable or pre-fabricated building is not "construction", is when it is placed on what is intended to be a temporary site with the purpose of moving it from time

to time and without affixing it to the land by plumbing, public utilities connection, or in any other way. For example, the erection of a portable structure for use as a garage on a house lot is generally construction, but the erection of a shelter to be moved around for use on different parts of a farm from time to time is not construction. (Issued Mar. 24, 1944.)

## INTERPRETATION 6

## MAINTENANCE AND REPAIR OF SIDINGS

Paragraph (d) (1) of L-41 excepts maintenance and repair work necessary to keep a building or structure in sound working condition. If an existing siding or roof needs repair, the minimum amount of repair work may be done to put the siding or roof in suitable condition. Thus if a siding can be put in proper condition by putting on paint it should be done in this way. If, on the other hand, the siding has so deteriorated that a paint job will not provide adequate protection a new siding may be put on the building. The new siding need not be of the same material as the old siding. This interpretation is not applicable where asbestos materials are used for re-siding or re-roofing as the use of these materials is governed by Order L-41-d. (Issued Apr. 4, 1944)

## INTERPRETATION 8

[Revoked Aug. 19, 1944]

## INTERPRETATION 10

## INSTALLATION OF MACHINERY AND EQUIPMENT RATED ON WPB-541 AND WPB-542

Interpretation 9 to L-41 explains the circumstances under which an installation of a piece of equipment is restricted by L-41. If the installation of a piece of equipment is restricted by L-41 and is not within the appropriate exemption allowed by paragraph (c) of L-41 and not permitted under Direction 2 to L-41, permission under L-41 to make the installation must be obtained even though the machinery has been rated on Form WPB-541 or Form WPB-542. The reference to WPB-542, PD-3A and CMPL-593 Navy (Army) in Schedule D of L-41 applies only to those forms when used for command construction, Engineers Corps construction, Panama Canal construction, and CAA construction, as defined in paragraphs (c) (3), (4), (5), (6) of WPB Directive 31, when carried on under the supervision of the Armed Services. Paragraph (d) (6) of L-41 also exempts certain construction for which these forms may have been issued. (Issued Aug. 19, 1944.)

## DIRECTION 1

[Superseded by Schedule C as amended, which gives instructions for filing applications]

## DIRECTION 3

## BLANKET PERMISSION FOR MISCELLANEOUS CONSTRUCTION

(a) The War Production Board has been issuing blanket authorizations to applicants permitting them to carry on miscellaneous construction over a fixed period. Instructions

as to how to apply for blanket authorizations have been described in WPB-43 (formerly PDL-362). The need for blanket authorizations has been largely eliminated by the recent transfer of processing of small construction applications to the Field offices, by the simplification of War Production Board procedures under Direction 1 to CMP 6, and by the exception of certain types of minor capital additions under paragraph (d) (12) of L-41. For this reason blanket authorizations will no longer be issued generally but only in cases where it appears that the filing of individual project applications will interfere with the war effort or cause extreme hardship.

(b) In these circumstances applications for blanket authorization may be made on form WPB-617. Separate applications must be made for each "unit" as defined in paragraph (1) (5) of L-41. The applicant will prepare his application in the same way he would prepare an application to do a single job and in accordance with the instructions to Form WPB-617. The need for a blanket authorization must be firmly established.

(c) Blanket authorizations will permit the builder to do miscellaneous routine construction but no materials may be acquired or used contrary to the limitations which will be made a part of the authorization. In the case of equipment items which must be listed on the application, the builder may use only those which are specifically approved. The use of such items or deviations from the Construction Limitations will be approved only in exceptional cases. The applicant will be permitted to use the allotment symbol F-6 and the rating assigned for the procurement of material. While the blanket authorization will cover a number of jobs, no one job costing more than \$10,000 will be authorized, and in certain cases a lower cost limit per job may be fixed. No reports of materials used will be required. No job for which tax amortization privileges will be requested may be included in a blanket application. A separate application should be filed for each such job at the time the request for tax amortization is made.

(d) This direction supersedes WPB-43 (formerly PDL-362). (Issued April 19, 1944.)

## DIRECTION 4

## PRISONER OF WAR HOUSING

It is not necessary to get War Production Board permission under Order L-41 to construct facilities to house prisoners of war assigned by the Army to the builder if priorities assistance for the construction has been granted on Form CMPL-593 Navy (Army), pursuant to Direction 3 to CMP Regulation 6 and WPB Directive 31. (Issued July 18, 1944.)

[F. R. Doc. 44-15043; Filed, Sept. 23, 1944; 4:39 p. m.]

## PART 1075—CONSTRUCTION

[Conservation Order L-41, Revocation of Interpretation 3]

Interpretation No. 3 to Conservation Order L-41 is superseded by paragraph (d) (9) of L-41, as amended September 28, 1944, which incorporates the substance of this interpretation.

Issued this 28th day of September 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-15045; Filed, Sept. 23, 1944; 4:40 p. m.]

## PART 1075—CONSTRUCTION

[Conservation Order L-41, Revocation of Interpretation 5]

Interpretation No. 5 to Conservation Order L-41 is superseded by paragraph (c) (2) of L-41, as amended September 28th, 1944, which incorporates the substance of this interpretation.

Issued this 28th day of September 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-15046; Filed, Sept. 28, 1944;  
4:40 p. m.]

## PART 1075—CONSTRUCTION

[Conservation Order L-41, Revocation of Interpretation 7]

Interpretation No. 7 to Conservation Order L-41 is superseded by paragraph (d) (7) of L-41, as amended September 28th, 1944, which incorporates the substance of this interpretation.

Issued this 28th day of September 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-15047; Filed, Sept. 28, 1944;  
4:39 p. m.]

## PART 1075—CONSTRUCTION

[Conservation Order L-41, Interpretation 9, as Amended Sept. 28th, 1944]

## INSTALLATION OF EQUIPMENT AND FIXTURES

The following interpretation is issued with respect to Conservation Order L-41:

Paragraph (b) of L-41 describes the kind of work which is covered by the order under the term construction. It specifically states that "the installing of equipment or fixtures" is construction and is covered by L-41.

This means that if a piece of equipment or a fixture is attached to a building and used as a part of the building, or if a piece of equipment or a fixture is so firmly attached to the building that removal would result in material injury to the building or the fixture, construction under L-41 is involved and the limitations of L-41 apply.

The following kinds of installations are construction under L-41:

The installation of any piece of equipment or fixture which is attached to the plumbing system of a building; the installation of any piece of equipment or fixture which involves putting new wiring in a building; the installation of any piece of equipment or fixture for which a base or foundation must be built; the installation of any piece of equipment or fixture cemented to a floor or wall of a building; the installation of a furnace or stoker connected by pipes or flues or wiring to the building.

The following kinds of installations are not construction under L-41:

The installation of a counter, table or booth which is attached to the building only by nails or screws and which can be removed as a unit and will only make it necessary to fill up the holes left by the nails or screws (however, if the counter contains equipment which is attached to the plumbing system, construction is involved); the installation of

a piece of equipment or fixture which requires only making a connection to an existing wiring outlet (if new wires must be run or a new outlet built into the wall or ceiling, construction is involved).

These examples illustrate the general principles. In case of doubt as to a particular installation, consult the nearest WPB office or file an application for permission to do the work, if the cost of the work plus the cost of other construction already done on the building during the calendar year exceeds the allowance given under the applicable paragraph of section (c) of L-41 and if the installation is not permitted under Direction 2 to L-41.

Issued this 28th day of September 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-15048; Filed, Sept. 28, 1944;  
4:39 p. m.]

## PART 1075—CONSTRUCTION

[Conservation Order L-41, as Amended Sept. 28, 1944, Direction 2]

## INSTALLATION OR RELOCATION OF MACHINERY OR EQUIPMENT

The following direction is issued pursuant to Conservation Order L-41:

It is not necessary to get War Production Board permission to install or relocate in existing buildings any piece of: (1) processing or service machinery or equipment, or (2) other machinery or equipment (including building service equipment) rated or authorized on a special form (including WPB-541 and WPB-542). Building alterations required in connection with the installation may be made but no new buildings or additions to existing buildings may be constructed under this direction. If it is necessary to construct a new building or make an addition to an existing building, or if priorities assistance is required for materials needed for an installation and alteration permitted by this direction in addition to that given by Direction 15 to CMP Regulation 5 or other blanket preference rating orders, application for permission to begin construction must be made in accordance with L-41. The application should include both the construction and the machinery or equipment which is to be installed.

The term "processing or service machinery or equipment" as used above includes all processing machinery and equipment and all service machinery and equipment installed in a building to make it possible to render a particular service in the building, such as X-ray equipment and the like in hospitals, projectors and screens in theatres, or cold storage enclosures or coolers in stores. The term "building service equipment" as used above means equipment installed in a building for the purpose of making the building function as such regardless of the purpose of the building, such as heating, lighting, plumbing and air-conditioning equipment and systems, and elevators and escalators.

Issued this 28th day of September 1944

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-15044; Filed, Sept. 28, 1944;  
4:40 p. m.]

## PART 1010—SUSPENSION ORDERS

[Suspension Order S-628]

## MECHANICS CONTRACTING CO

A. G. Fleming and A. A. Zeigler, co-partners doing business as Mechanics Contracting Company, are contractors and builders located at 1325 Main Street, Columbia, South Carolina. In July 1943, they began construction as building contractors, and thereafter continued construction consisting of altering, remodeling and converting into apartments a two and one-half story residence owned by William M. Burney, and located at 1714 College Street, Columbia, South Carolina. The cost of this construction was \$19,000.00 which amount exceeded the limit of \$200.00 permitted by Conservation Order L-41, and was in violation of that order. A. G. Fleming and A. A. Zeigler were aware of the War Production Board restrictions on construction, and the beginning and completion of this construction without authorization constituted a wilful violation of Conservation Order L-41.

This violation of Conservation Order L-41 has diverted critical materials to uses not authorized by the War Production Board, and has hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.628 *Suspension Order No. S-628.* (a) A. G. Fleming and A. A. Zeigler shall not for three months from the effective date of this order apply or extend any preference ratings or use any CMP allotment symbols, regardless of the delivery date named in any purchase order to which such ratings may be applied or extended or on which CMP allotments symbols are used.

(b) The restrictions and prohibitions contained herein shall apply to A. G. Fleming and A. A. Zeigler, doing business as Mechanics Contracting Company, their and its successors and assigns or persons acting on their or its behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(c) Nothing contained in this order shall be deemed to relieve A. G. Fleming and A. A. Zeigler, doing business as Mechanics Contracting Company, their and its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on September 28, 1944, and shall expire on December 28, 1944.

Issued this 21st day of September 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-15052; Filed, Sept. 28, 1944;  
4:39 p. m.]



**PART 1010—SUSPENSION ORDERS**  
[Suspension Order S-629]

WILLIAM M. BURNLEY

William M. Burnley, Columbia, South Carolina, in July of 1943 began and thereafter continued construction, consisting of altering and remodeling, and converting into apartments a two and one-half story residence located at 1714 College Street, Columbia, South Carolina. The cost of this construction was \$19,000.00 which amount exceeded the limit of \$200.00 permitted by Conservation Order L-41, and was in violation of that order. William M. Burnley was aware of the War Production Board restrictions on construction, and the beginning and completion of this construction without authorization constituted a wilful violation of Conservation Order L-41.

This violation of Conservation Order L-41 has diverted critical materials to uses not authorized by the War Production Board, and has hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.629 *Suspension Order No. S-629.* (a) William M. Burnley shall not for a period of three months from the effective date of this order apply or extend any preference ratings or use any CMP allotment symbols, regardless of the delivery date named in any purchase order to which such ratings may be applied or extended or on which CMP allotment symbols are used.

(b) The restrictions and prohibitions contained herein shall apply to William M. Burnley, his successors and assigns or persons acting on his behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(c) Nothing contained in this order shall be deemed to relieve William M. Burnley, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on September 28 1944, and shall expire on December 28, 1944.

Issued this 21st day of September 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-15053; Filed, Sept. 28, 1944;  
4:39 p. m.]

**PART 3290—TEXTILE, CLOTHING AND LEATHER**

[Conservation Order M-379, Direction 1 as Amended Sept. 28, 1944]

The following amended direction is issued pursuant to Conservation Order M-379:

1. Notwithstanding the provisions of paragraph (b) (2) of Conservation Order M-379, no manufacturer may cut or use any denim (2.20 yard or heavier on a 28" width basis), heretofore or hereafter acquired by

him, except for incorporation into the following products:

Garments manufactured to fill orders of U. S. Army or Navy.

Men's bib overalls, sizes 30 and larger.

Men's waistband overalls or dungarees, sizes 28 and larger.

Men's overall jackets (lined and unlined), sizes 34 and larger.

2. No manufacturer may use any denim (2.20 yard or heavier on a 28" width basis) after October 15, 1944, unless he complies with the following:

Of the denim he uses in each calendar month for civilian work clothing, he must use not less than 70% for the production of men's bib overalls or men's overall jackets, and he may not use more than 30% for the production of men's waistband overalls or dungarees.

Issued this 28th day of September 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-15050; Filed, Sept. 28, 1944;  
4:39 p. m.]

**PART 3291—CONSUMERS DURABLE GOODS**  
[Limitation Order L-30-c, Revocation]

**CAST IRON WARE**

Section 3291.160 *Limitation Order L-30-c* is hereby revoked. This revocation does not affect any liabilities accrued under the order. The manufacture and delivery of cast iron ware remain subject to all other applicable regulations and orders of the War Production Board.

Issued this 29th day of September 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-15092; Filed, Sept. 29, 1944;  
11:45 a. m.]

**PART 3291—CONSUMERS DURABLE GOODS**  
[Limitation Order L-36, Revocation]

**UMBRELLA FRAMES**

Section 3291.185 *Limitation Order L-36* is hereby revoked. This revocation does not affect any liabilities accrued under the order. The manufacture and delivery of umbrella frames remain subject to all other applicable regulations and orders of the War Production Board.

Issued this 29th day of September 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-15093; Filed, Sept. 29, 1944;  
11:45 a. m.]

**PART 3291—CONSUMERS DURABLE GOODS**  
[Limitation Order L-308, Revocation]

**DOMESTIC FOOD DEHYDRATORS**

Section 3291.296 *Limitation Order L-308* is hereby revoked. This revocation does not affect any liabilities accrued under the order. The manufac-

ture and delivery of domestic food dehydrators remain subject to the applicable regulations and orders of the War Production Board.

Issued this 29th day of September 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-15094; Filed, Sept. 29, 1944;  
11:45 a. m.]

**Chapter XI—Office of Price Administration**

**PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS**

[Rev. RO 16, Amdt. 17 to 2d Rev. Supp. 1]

**MEAT, FATS, FISH AND CHEESES**

Second Revised Supplement 1 to Revised Ration Order 16 is amended in the following respects:

1. The Official Table of Consumer Point Values (No. 20), referred to in § 1407.3027 (a), is amended by increasing the point value of "creamery butter" to 20 points per pound.

2. Section C—Fats, Oils, and Dairy Products of the Official Table of Trade Point Values (No. 20), referred to in § 1407.3027 (a), is amended by increasing the point value of "creamery butter" to 19.6 points per pound.

This amendment shall become effective at 12:01 a. m., October 1, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong., and by Pub. Law 383, 78th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; WFO No. 56, 8 F.R. 2005, 9 F.R. 4319; WFO No. 58, 8 F.R. 2251, 9 F.R. 4319; WFO No. 59, 8 F.R. 3471, 9 F.R. 4319; WFO No. 61, 8 F.R. 3471, 9 F.R. 4319, and Supp. 1 to WFO No. 61, 9 F.R. 9134, 9389)

Issued this 28th day of September 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-15060; Filed, Sept. 23, 1944;  
4:44 p. m.]

**PART 1499—COMMODITIES AND SERVICES**

[Rev. SR 14 to GMFR, Amdt. 175]

**AMMUNITION**

A statement of considerations accompanying this Amendment No. 175 to Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

Revised Supplementary Regulation No. 14 to the Maximum Price Regulation is amended in the following respects:

Section 6.24 is amended to read as follows:

**SEC. 6.24 Ammunition.** This section establishes maximum prices of ammunition, other than hand loaded or military

\* 9 F.R. 6772, 6825, 7262, 7438, 8147, 8331.

TABLE OF MAXIMUM PRICES FOR SALES TO RETAILERS—CON.

MEDIUM VELOCITY RIM FIRE CARTRIDGES						
		Maximum price per 1000				
		Zone 1	Zone 2	Zone 3	Zone 4	Zone 5
.22 Short.....		\$3.17	\$3.10	\$3.21	\$3.22	\$3.27
.22 Long.....		4.07	4.10	4.12	4.14	4.16
.22 Long Rifle.....		5.12	5.14	5.17	5.19	5.21

STANDARD VELOCITY RIM FIRE CARTRIDGES						
		Maximum price per 1000				
		Zone 1	Zone 2	Zone 3	Zone 4	Zone 5
.22 Short.....		\$3.35	\$3.36	\$3.38	\$3.39	\$3.40
.22 Long Rifle.....		5.12	5.14	5.17	5.19	5.21
.22 W. R. F. and Automatic.....		8.44	8.47	8.50	8.53	8.56

CENTER FIRE CARTRIDGES						
		Maximum price per 1000				
		Zone 1	Zone 2	Zone 3	Zone 4	Zone 5
.22 Hornet.....		\$25.47	\$25.53	\$25.58	\$25.64	\$25.70
.220 Swift.....		57.65	57.80	58.00	58.20	58.41
.22 Savage Highspeed.....		51.60	51.73	51.87	52.00	52.14
.25 Remington.....		25.66	25.74	25.81	25.89	25.97
.25-20 Winchester (lead).....		61.49	61.04	61.80	61.95	62.10
.250 Savage.....		63.12	63.28	63.43	63.58	63.73
.25-35 Winchester.....		68.31	68.50	68.70	68.89	69.09
.257 Roberts.....		68.31	68.50	68.70	68.89	69.09
.270 Winchester.....		70.05	70.25	70.44	70.64	70.84
.30-30 Winchester.....		64.94	65.11	65.29	65.47	65.66
.30 Remington.....		72.52	72.74	72.97	73.19	73.41
.30-40 Krag.....		70.05	70.25	70.44	70.64	70.84
.30-06 Springfield.....		69.40	69.57	69.75	69.93	70.12
.300 Savage.....		64.94	65.11	65.29	65.47	65.66
.32 S&W.....		64.94	65.11	65.29	65.47	65.66
.32 Remington.....		64.94	65.11	65.29	65.47	65.66
.32 Smith & Wesson.....		16.17	16.21	16.31	16.39	16.41
.32 Smith & Wesson, Long.....		18.13	18.20	18.27	18.34	18.41
.32 Short Colt.....		18.13	18.20	18.27	18.34	18.41
.32 Long Colt.....		18.13	18.20	18.27	18.34	18.41
.32 Colt New Police.....		18.13	18.20	18.27	18.34	18.41
.32 Automatic Pistol.....		24.43	24.49	24.55	24.62	24.69
.32 Winchester, Marlin, Remington (lead).....		28.47	28.67	28.87	29.07	29.27
.32 Winchester.....		54.04	55.13	55.31	55.60	55.69
.32 Special.....		70.11	70.37	70.63	70.89	80.14
.348 Winchester.....		61.53	61.74	61.94	62.15	62.37
.357 Remington.....		32.52	32.65	32.76	32.88	32.91
.357 Magnum.....		30.34	30.41	30.49	30.56	30.63
.380 Automatic Pistol.....		32.64	32.74	32.84	32.94	33.04
.38 Automatic Colt Pistol.....		21.13	21.23	21.33	21.43	21.53
.38 Super Automatic Colt Pistol.....		21.13	21.23	21.33	21.43	21.53
.38 Smith & Wesson.....		21.13	21.23	21.33	21.43	21.53
.38 Smith & Wesson (Lead).....		21.13	21.23	21.33	21.43	21.53
.38 Colt New Police.....		21.13	21.23	21.33	21.43	21.53
.38 Short Colt.....		21.13	21.23	21.33	21.43	21.53
.38 Long Colt.....		21.13	21.23	21.33	21.43	21.53
.38 Colt Special.....		21.13	21.23	21.33	21.43	21.53
.38 (38/40).....		32.52	32.65	32.76	32.88	32.91
.44 (44/40).....		33.47	33.64	33.81	33.98	34.15
.45 Colt.....		40.47	40.63	40.78	40.93	41.11
.45 Automatic (Metal Case).....		40.47	40.63	40.78	40.93	41.11
.45 Auto Rim (Metal Case).....		39.50	39.70	39.93	40.09	40.25
.45 Auto Rim (Lead).....		61.63	61.92	62.23	62.53	62.83
.45-70 Government.....		61.63	61.92	62.23	62.53	62.83

items, for sales at wholesale and retail, including sales by individuals. Ammunition consists of a casing of metal or paper loaded with gun powder and containing a metallic bullet or metallic shot, designed to be fired in a pistol, revolver, rifle, or shot gun.

(a) *Maximum prices of jobbers.* (1) The maximum price inclusive of Federal Excise Tax, for a sale at wholesale of an item listed below shall be the price listed for that item in the zone in which the purchaser is located. The proper zone may be determined by reference to the listing of distributing points in the price lists of the Federal Cartridge Corporation, Peters Cartridge Division, Remington Arms Company, Inc., Western Cartridge Company, and Winchester Repeating Arms Company.

TABLE OF MAXIMUM PRICES FOR SALES TO RETAILERS

LONG RANGE SHOTGUN SHELLS

Gauge	Shell length	Powder drums	Ounces shot	Maximum price per 1000				
				Zone 1	Zone 2	Zone 3	Zone 4	Zone 5
10.....	2 7/8"	4 3/4	1 3/4 ch.	\$51.24	\$51.62	\$52.00	\$52.37	\$52.70
10.....	3 1/4"	6	2 ch.	62.56	62.94	63.33	63.70	64.08
12.....	2 3/4"	3 3/4	1 1/4 ch.	41.78	42.17	42.55	42.92	43.31
12.....	3"	3 3/4	1 1/4 ch.	51.24	51.62	52.00	52.37	52.70
12.....	3 1/4"	4 1/4	1 3/4 ch.	55.14	55.51	55.89	56.26	56.66
12.....	3 1/2"	3	1 1/2 ch.	30.80	30.94	31.08	31.22	31.36
16.....	2 3/4"	3 1/4	1 1/4 ch.	41.78	42.17	42.55	42.92	43.31
20.....	2 1/4"	2 3/4	1 ch.	30.80	30.94	31.08	31.22	31.36
28.....	2 1/8"	2 1/4	3/4 ch.	26.80	26.93	27.07	27.20	27.33
410.....	3"	2 1/2	3/4 ch.	30.37	30.51	30.71	30.89	31.06

REGULAR SHOTGUN SHELLS

Gauge	Shell length	Powder drums	Ounces shot	Maximum price per 1000				
				Zone 1	Zone 2	Zone 3	Zone 4	Zone 5
10.....	2 7/8"	4 3/4	1 3/4 soft.	\$30.95	\$40.33	\$40.72	\$41.10	\$41.48
10.....	2 3/4"	4 1/4	1 1/4 ch.	41.78	42.17	42.55	42.92	43.31
12.....	2 3/4"	3 3/4	1 soft.	20.30	20.77	21.16	21.54	21.91
12.....	2 3/4"	3	1 1/4 soft.	30.53	30.95	31.34	31.72	32.10
12.....	2 3/4"	3 1/4	1 1/4 ch.	32.41	32.79	33.17	33.56	33.94
12.....	2 3/4"	3 1/2	1 1/2 soft.	34.31	34.69	35.08	35.46	35.84
16.....	2 1/4"	2 3/4	1 soft.	20.30	20.77	21.16	21.54	21.91
20.....	2 1/4"	2 1/2	3/4 soft.	30.51	30.83	31.14	31.47	31.78
28.....	2 1/8"	2 1/4	3/4 ch.	26.80	26.93	27.07	27.20	27.33
410.....	2 1/2"	2 1/2	3/4 ch.	30.51	30.83	31.14	31.47	31.78

RIFLED SLUG SHOTGUN SHELLS

Gauge	Shell length	Powder drums	Ounces shot	Maximum price per 1000				
				Zone 1	Zone 2	Zone 3	Zone 4	Zone 5
12.....	2 3/4"	3 3/4	1	\$67.13	\$67.50	\$67.89	\$68.27	\$68.65
16.....	2 1/4"	2 3/4	3/4	65.48	65.79	66.11	66.42	66.75
20.....	2 1/4"	2 1/2	3/4	63.88	64.21	64.52	64.84	65.15
410.....	2 1/2"	2 1/2	3/4	65.70	66.08	66.44	66.82	67.19

HIGH VELOCITY RIM FIRE CARTRIDGES

	Maximum price per 1000				
	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5
.22 Short.....	\$3.17	\$3.10	\$3.21	\$3.22	\$3.27
.22 Short, hollow point.....	3.88	3.90	4.02	4.04	4.06
.22 Long.....	4.07	4.10	4.12	4.14	4.16
.22 Long, hollow point.....	4.78	4.79	4.80	4.81	4.84
.22 Long rifle, hollow point.....	5.48	5.49	5.51	5.54	5.57
.22 W. R. F.....	8.44	8.47	8.50	8.53	8.56
.22 W. R. F., hollow point.....	8.80	8.84	8.87	8.90	8.93

\*Copies may be obtained from the Office of Price Administration.

TABLE OF MAXIMUM PRICES FOR SALES TO CONSUMERS—Continued.

HIGH VELOCITY RIM FIRE CARTRIDGES			
Caliber	Description	Shells per box	Maximum price per box
.22	Short	50	\$0.21
.22	Long	50	.20
.22	Long hollow point	50	.20
.22	Long hollow point	50	.22
.22	Long rifle hollow point	50	.32
.22	W. R. F.	50	.32
.22	W. R. F. hollow point	50	.50
.22	W. R. F. hollow point	50	.58

MEDIUM VELOCITY RIM FIRE CARTRIDGES			
Caliber	Description	Shells per box	Maximum price per box
.22	Short	50	\$0.21
.22	Long	50	.27
.22	Long rifle	50	.31

STANDARD VELOCITY RIM FIRE CARTRIDGES			
Caliber	Description	Shells per box	Maximum price per box
.22	Short	50	\$0.22
.22	Long rifle	50	.31
.22	W. R. F. and automatic	50	.50

CENTER FIRE CARTRIDGES			
Caliber	Description	Shells per box	Maximum price per box
.22	Hornet	50	\$1.02
.22	Swift	50	.93
.22	Savage Hi-Speed	50	.97
.22	Remington	50	1.41
.22	Winchester (dead)	50	1.70
.22	Savage	50	1.41
.22	Winchester	50	1.64
.22	Winchester	50	.82
.22	Winchester	50	1.52
.22	Winchester	50	2.10
.22	Winchester	50	1.46
.22	Remington	50	1.03
.22	Springfield	50	1.87
.22	Savage	50	1.46
.22	Savage	50	1.46
.22	Special Winchester	50	1.63
.22	Remington	50	1.63
.22	Smith & Wesson	50	1.58
.22	Smith & Wesson	50	1.58
.22	Smith & Wesson Long	50	1.58
.22	Short Colt	50	1.50
.22	Long Colt	50	1.50
.22	Colt New Police	50	1.50
.22	Automatic Pistol	50	1.63
.22	Winchester	50	1.89
.22	Winchester (dead) Special	50	1.46
.22	Winchester	50	1.64
.22	Remington	50	1.10
.22	Magnum	50	2.10
.22	Automatic Pistol	50	2.02
.22	Automatic Colt Pistol	50	2.17
.22	Super Automatic Colt Pistol	50	2.17
.22	Smith & Wesson	50	1.40
.22	Special (dead)	50	1.66
.22	Colt New Police	50	1.51
.22	Short Colt	50	1.40
.22	Long Colt	50	1.59
.22	Colt Special	50	1.65
.22	Colt	50	2.20
.22	Colt	50	2.23
.22	Automatic M. O.	50	6.00
.22	Auto. Rim. M. O.	50	6.00
.22	Auto. Rim (dead)	50	6.00
.22	Government	50	1.64

(2) The maximum price for all sales at wholesale of articles of ammunition not listed in the above table shall be the prices contained in the manufacturers' wholesale price lists in effect during March 1942., for the zone in which the purchaser is located. All maximum prices established by this paragraph (a) for sales at wholesale shall be subject to the sellers' transportation terms and discounts off manufacturers' suggested wholesale prices which were in effect during March 1942.

(b). *Maximum prices of retailers and others.* (1) The maximum price, inclusive of Federal Excise Tax, for a sale by any person to an ultimate consumer of an item listed below shall be the price listed below for that item. For sales in quantities of less than one box, the price per shell or per cartridge shall be determined by dividing the price per box by the number of shells or cartridges in the standard box.

**TABLE OF MAXIMUM PRICES FOR SALES TO CONSUMERS  
LONG RANGE SHOTGUN SHELLS**

Gauge	Length of shell	Powder drums	Ounces shot	Shells per box	Maximum price per box.
10.....	22"	45	1 1/4 ch.	25	\$1.70
10.....	23"	45	2 ch.	25	2.07
12.....	20"	37	1 1/4 ch.	25	1.58
12.....	21"	37	1 1/2 ch.	25	1.58
12.....	22"	37	1 3/4 ch.	25	1.70
12.....	23"	37	1 3/4 ch.	25	1.83
12.....	24"	37	1 3/4 ch.	25	1.88
16.....	21"	34	1 1/4 ch.	25	1.52
16.....	22"	34	1 1/2 ch.	25	1.52
20.....	21"	29	1 1/4 ch.	25	1.29
20.....	22"	29	1 1/2 ch.	25	1.32
410.....	21"	24	1 1/4 ch.	25	1.31
410.....	22"	24	1 1/2 ch.	25	1.31
410.....	23"	24	1 3/4 ch.	25	1.41

Gauge	Length of shell	Powder drums	Ounces shot	Shells per box	Maximum price per box.
10.....	27 1/2"	45	1 1/4 soft.	25	\$1.32
10.....	27 1/2"	45	1 1/2 soft.	25	1.35
10.....	27 1/2"	45	1 soft.	25	1.35
12.....	27 1/2"	3	1 1/4 soft.	25	1.07
12.....	27 1/2"	3	1 1/2 soft.	25	1.07
12.....	27 1/2"	3	1 3/4 soft.	25	1.07
12.....	27 1/2"	3	1 1/2 soft.	25	1.07
12.....	27 1/2"	3	1 3/4 ch.	25	1.13
12.....	27 1/2"	3	1 soft.	25	1.13
16.....	27 1/2"	23	1 1/4 soft.	25	1.04
16.....	27 1/2"	23	1 1/2 soft.	25	1.04
16.....	27 1/2"	23	1 3/4 soft.	25	1.04
16.....	27 1/2"	23	1 1/2 ch.	25	1.04
20.....	27 1/2"	21	1 1/4 soft.	25	1.01
20.....	27 1/2"	21	1 1/2 soft.	25	1.01
20.....	27 1/2"	21	1 3/4 soft.	25	1.01
20.....	27 1/2"	21	1 1/2 ch.	25	1.01
20.....	27 1/2"	21	1 3/4 ch.	25	1.02

Gauge	Length of shell	Powder drums	Ounces shot	Shells per box	Maximum price per box.
2.....	23 1/2"	33 1/2	1 1/2	6	\$9.46
4.....	20 1/2"	33 1/2	1 3/4	6	4.43
6.....	20 1/2"	33 1/2	2	6	4.42
10.....	21 1/2"	33 1/2	3 1/2	6	4.37

(2) The maximum price for sales to an ultimate consumer of a box of ammunition not listed above shall be the price per thousand contained in the manufacturers' price lists, in effect during March 1942, divided by the number of boxes in the thousand. The maximum price per shell or cartridge for sales to an ultimate consumer of less than one box shall be the price per box, divided by the number of shells or cartridges in the standard box.

The following are examples of how to determine the maximum price of a box of shells or cartridges and a single shell or cartridge; 12 gauge long range shot shells are packaged 25 in a standard box. Dividing 1000 by 25 equals 40, the number of boxes per thousand. The manufacturers' list price of \$55.20 per thousand, divided by 40, the number of boxes per thousand, equals \$1.38 per box. To determine the price per shell, the maximum price per box \$1.38 divided by 25, the number of shells per box, equals \$.055, the maximum price per shell.

(c) *Addition of state and local taxes.* State and local sales taxes imposed upon the sale of ammunition at wholesale or retail may be added to the maximum prices established under this section provided they are stated as a separate charge on the invoice or sales slip.

(d) *Notification.* (1) The manufacturer shall forward to each of his customers a copy of this amendment immediately after its issuance.

(2) The jobber shall forward a copy of this amendment to each of his customers at the time of or prior to the first invoice of sale.

(c) *Posting.* Retailers must keep posted a copy of the table contained in paragraph (b) (1) of this section at the place in his business establishment where ammunition is offered for sale, so that it is clearly visible to purchasers of ammunition.

(f) *Applicability.* The provisions of this section shall be applicable to the 48 States of the United States and to the District of Columbia.

This amendment shall become effective the 30th day of September 1944.

Issued this 28th day of September 1944.

**CHESTER BOWLES,**  
*Administrator.*

U. S. Doc. 44-15050; Filed, Sept. 28, 1944;  
4:43 p. m.]

## PART 1340—FUEL,

[MPR 120, Corr. to Amdt. 115]

**BITUMINOUS COAL DELIVERED FROM MINE OR  
PREPARATION PLANT**

Amendment No. 115 to Maximum Price Regulation No. 120 (§ 1340.219) is hereby corrected as follows:

(1) In paragraph (b) (1) of § 1340.219 in the table entitled "Prices and size group numbers" the word "deducted" in the column headed "18" is deleted and the word "deducted" is inserted in lieu thereof.

(2) In paragraph (b) (2) headed "Specific description of size group numbers", after the description of Size Group No. 6 and before the description of Size Group No. 8 the numeral 7 is inserted in front of the paragraph beginning with the words "All double-screened egg coals, top size larger than 3'." In this same paragraph, in Size Group No. 18, the word "deducted" is deleted and the word "dedusted" is inserted in lieu thereof.

(3) In paragraph (b) (5) in the table which identifies mines by states and counties in which they are located and seams and price groups in which they operate, in the column headed "seam", Maritimean County, Kentucky seams in Price Group No. 1 between "High Splint" and "No. 5", "High Cliff" is inserted. In the same name table further on in the column headed "seam", Morgan County, Tennessee seams in Price Group No. 5, after the word "Hooper", between the words "hill" and "seams" the word "other" is inserted. In the same table further on in the column headed "seam", Tazewell County, Virginia seams in Price Group No. 6, after the words "Raven and Red Ash" the words "and all other low volatile seams" are inserted.

(4) In paragraph (b) (12) in the description of Size Group No. 4 coal, after the words "but not exceeding," and before the numeral "¼" the numeral "1" inserted.

These corrections to Amendment No. 5 to Maximum Price Regulation No. 00 (§ 1340.219) shall be effective as of August 16, 1944.

Issued this 29th day of September 1944.

**CHESTER BOWLES,**  
*Administrator.*

R. Dec. 44-15085; Filed, Sept 20, 1944;  
11:37 a. m.]

## PART 1340—FUEL

[RMFR 137, Corr. to Amdt. 5]

PETROLEUM PRODUCTS SOLD AT RETAIL  
ESTABLISHMENTS

Pennsylvania area as set forth in section 11 (b) (1) (i) is corrected to read as follows:

Pennsylvania—Excepting Schedule D area comprising the Counties of Allegheny; Armstrong; Beaver; Butler; Cameron; Clarion; the township of Sandy in Clearfield County; the townships of Chapman, East Keating, Leidy, Noyes, and West Keating in Clinton County; Crawford; Elk; Erie; Fayette; Forest; Greene; Jefferson; Lawrence; McKean; Mercer; Potter; Tioga; Venango; Warren; Washington; and all of Westmoreland except the townships of Derry, Fairfield, Ligonier and St. Clair.

This correction shall become effective September 29, 1944.

Issued this 29th day of September 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-15086; Filed, Sept. 29, 1944;  
11:37 a. m.]

PART 1360—MOTOR VEHICLES AND MOTOR  
VEHICLE EQUIPMENT

[RO 2A, Amdt. 27]

PASSENGER AUTOMOBILE RATIONING  
REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Ration Order 2A is amended in the following respects:

1. Section 1360.310 (f) is amended to read as follows:

(f) "Passenger automobile" means any 1941 model passenger car which has been driven less than a 1,000 miles and any 1942 passenger car regardless of mileage. It includes the chassis of such cars and also includes taxicabs, but not ambulances, hearses, station wagons or cars with a seating capacity of more than ten persons.

2. Sections 1360.310 (s) and (t) are added to read as follows:

(s) "New 1942 car" means any 1942 model passenger automobile (regardless of mileage) which has not been transferred to any person for use.

(t) "Used 1942 car" means any 1942 model passenger automobile (regardless of mileage) which has been transferred for use at any time to a person other than a dealer, or which a dealer has registered for his own use or for which he has obtained a clearance statement.

3. Sections 1360.310 (h), (j) and (r), 1360.336, 1360.337, 1360.338, 1360.339,

1360.340, 1360.342, 1360.343, 1360.344, 1360.361 (c), 1360.365, 1360.374, 1360.375, 1360.393, 1360.394, 1360.395, 1360.403, 1360.404, 1360.405 and 1360.407 (f) are revoked.

4. Section 1360.310 (d) and the title to Chapter IV are amended by deleting the phrase "passenger automobiles" and "passenger automobile" and substituting in lieu thereof the phrase "1942 cars" and "1942 car", respectively.

5. Sections 1360.310 (o), 1360.335, 1360.361, 1360.362 (b) and (d), the text of § 1360.364 and § 1360.364 (c), the title to Chapter VII, the text of § 1360.372 and § 1360.372 (e), (f), (g), (h) and (o), § 1360.373, the text of § 1360.381 and § 1360.381 (a), the title to Chapter X, the text of § 1360.407, § 1360.408 (a) and (e), § 1360.421, § 1360.422 (a) and § 1360.432 are amended by deleting the phrases "new passenger automobile" or "new passenger automobiles" wherever they may appear and substituting in lieu thereof the phrases "1942 car" or "1942 cars", respectively.

6. Section 1360.321 is amended to read as follows:

§ 1360.321 *Personnel*. The rationing program established in these regulations shall be administered by the local War Price and Rationing Boards and the Territorial Directors.

7. Section 1360.322 is amended to read as follows:

§ 1360.322 *Duties*. The local War Price and Rationing Boards and the Territorial Director shall have such duties and responsibilities in the administration of these regulations as the Office of Price Administration may assign.

8. Section 1360.323 is amended to read as follows:

§ 1360.323 *Jurisdiction*. For the purposes of this order, each local War Price and Rationing Board shall have jurisdiction over each application for a 1942 car which will ordinarily be garaged in the area served by the Board, except in those instances where such jurisdiction has been conferred on Plant Area Boards by the Territorial Director.

9. Section 1360.331 is amended to read as follows:

§ 1360.331 *This order governs the transfer, registration, alteration and use of all 1942 cars*. No person shall transfer or acquire (or offer to transfer or acquire) a 1942 car, or shall alter, register, or use or permit alteration, registration or use of a 1942 car except as permitted by the provisions of this order. These provisions apply regardless of any conflicting private agreement or obligation.

10. Section 1360.332 is revoked and a new § 1360.332 is added to read as follows:

§ 1360.332 *Acts prohibited by General Ration Order 8*. General Ration Order 8 (General Prohibitions, Penalties and Conditions) contains provisions, applicable to this and all other ration orders, which prohibit, among other matters:

(a) Making false or misleading statements in a ration document or to the Office of Price Administration;

(b) Altering, defacing, mutilating or destroying a ration document;

(c) Acquiring, using, transferring or possessing an altered, defaced or mutilated ration document;

(d) Counterfeiting or forging a ration document;

(e) Acquiring, using, transferring or possessing a counterfeited or forged ration document;

(f) Wrongfully withholding a ration document;

(g) Transferring a rationed commodity in exchange for an invalid or improperly acquired ration document;

(h) Bribing, hindering or interfering with rationing officials;

(i) Offering or attempting to violate a ration order;

(j) Reproducing a ration document without authority of the Price Administrator or other proper officer of the United States;

(k) Possessing or using distinctive safety paper or vulcanized fiber.

11. Section 1360.333 is revoked and a new § 1360.333 is added to read as follows:

§ 1360.333 *Additional prohibited acts relating to 1942 cars*. (a) No person shall possess, use, or permit the use of any 1941 or 1942 car which he obtained in violation of this order.

(b) No 1941 or 1942 car shall be used in violation of any order of the Office of Price Administration or of any order, rule or regulation of the Office of Defense Transportation.

(c) No person shall deliver a new 1942 car on a certificate authorizing the acquisition of a used 1942 car.

12. Section 1360.334 is revoked and a new § 1360.334 is added to read as follows:

§ 1360.334 *Conditions under which 1942 cars may be altered*. The term "alteration" means any structural change in an automobile and includes the removal of its parts and accessories. No person shall alter any 1942 car except as follows:

(a) *1942 cars held for resale*. A 1942 car held for resale may be altered in the following cases:

(1) Any 1942 car held for resale may be altered into any other model or type of conveyance only upon specific authorization granted by the District Director of the Office of Price Administration. Application for authorization shall be made to that office by letter, stating the make, body type, serial number and engine number of the car, the details of the proposed alteration and the purpose for which the altered vehicle is to be used. Authorization will be granted if the Office of Price Administration is satisfied that the proposed alteration will result in a greater usefulness of the car in the war effort or the public welfare. An alteration of this kind shall be reported on Form R-203 (Revised 4-15-43) to the Office of the District Director granting the authorization within five days after its completion.

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 7 F.R. 1542, 1647, 1758, 2108, 2242, 2305, 2903, 3097, 3482, 4343, 5484, 6049, 6082, 6424, 6601, 6775, 6984, 7149, 8808, 8895, 9316, 10228; 8 F.R. 28, 363, 1138, 1365.

(2) A part or accessory not essential to the operation of the altered vehicle may be removed without authorization. Any part or accessory may also be removed from any car for the purpose of repair or upon authorization of the War Production Board or the Office of Price Administration.

(3) If any 1942 car held for resale is in such condition that its repair is not practicable, it may be junked or dismantled for the purpose of scrap or salvage. Any person who junks a 1942 car held for resale shall report within five days on Form R-203 (Revised 4-15-43) to the District Director of the Office of Price Administration, giving the make, body type, serial number and engine number of the junked car. It is not necessary to report the junking of any 1942 car which was held for use and not for resale.

(b) *Other 1942 cars.* Any 1942 car which is held for use may be altered in any manner.

13. Section 1360.335 (c) is amended by deleting the phrase "R-202" wherever it appears and substituting the phrase "R-214" in lieu thereof.

14. Section 1360.341 is amended to read as follows:

§ 1360.341 *Establishment of quotas.* The Office of Price Administration will from time to time set quotas and reserve quotas stating the maximum number of new 1942 cars for the transfer of which certificates may be issued, which quotas may be altered or revoked as the occasion may demand. No certificate for the transfer of a new 1942 car shall be issued in excess of this quota.

15. The title to § 1360.362 is amended to read as follows: "*Persons eligible to acquire for purposes other than use.*"

16. The text of § 1360.362 is amended to read as follows:

"Any of the following persons may acquire any 1942 car or an interest in it without a certificate, but may not use the car or register it for use unless he is permitted to do so by other provisions of this order".

17. Section 1360.362 (e) is added to read as follows:

(e) Any junk company, salvage company, or persons in the business of repairing damaged automobiles or adjusting losses may, in the regular course of business, acquire a 1942 car which has been damaged. A salvage company or a person in the business of adjusting losses may also acquire a 1942 car which is in danger of being damaged or is part of a damaged stock.

18. Section 1360.363 is amended to read as follows:

§ 1360.363 *Procedure for transfers under §§ 1360.361 and 1360.362—(a) Transfers under § 1360.361.* Whenever any person acquires a 1942 car for use pursuant to this section, he shall, within five days thereafter, complete and file Form R-203 (revised) in accordance with the instructions thereon.

(b) *Transfers under § 1360.362.* Whenever any person acquires or scraps

a 1942 car or salvages its parts pursuant to this section, he shall, within five days thereafter, complete and file Form R-203 (revised 4-15-43) in accordance with the instructions thereon.

19. The text of § 1360.407 and § 1364.408 (b), (c) and (e) are amended by deleting the phrase "state or".

20. Section 1360.372 (a) (1) is amended to read as follows:

(1) Certificates shall be issued only to those physicians, surgeons and farm veterinarians who are licensed as such by the appropriate government authority, whose practice requires regular calls outside their offices, who must use the automobile to make such calls, and who will use it principally for that purpose.

21. The second sentence of § 1360.372 (d) is amended by inserting the phrase "or District Director" immediately following the word "Board."

22. Section 1360.372 (e) (1) is amended to read as follows:

(1) In issuing certificates the Board or District Director shall be governed by the necessity of enabling the uniformed and non-uniformed personnel of a federal, territorial or local police force to render efficient service in the prevention and detection of crime.

23. Sections 1360.372 (f) (3) and (k) are amended by deleting the word "state" and the comma immediately preceding it.

24. Section 1360.372 (q) is added to read as follows:

(q) The United Service Organizations, Inc. The application must be accompanied by the certification of a duly authorized official of the organizations, Territorial Office stating that the car is needed for travel in conducting the activities of that agency.

25. The last paragraph of § 1360.381 (b) is designated paragraph (c).

26. Section 1360.391 is amended to read as follows:

§ 1360.391 *Where and how to apply for a certificate for a 1942 car.* (a) Application for a certificate for a 1942 car shall be made either in person or by mail to the Board serving the area in which the person applying will ordinarily keep his car, or to the Plant Area Board or Plant Area Panel serving the establishment in which he works, if jurisdiction to act upon automobile applications has been conferred on the Plant Area Board or Panel by the District Director. Exceptions to this are the American National Red Cross, agencies of the Federal Government, persons who require cars for experimental purposes and body builders who propose to alter the cars obtained. These persons must file applications directly with the Office of Price Administration, Washington, D. C., as provided in §§ 1360.373 and 1360.381.

(b) A separate application shall be filed on Form R-213 for each 1942 car whether new or used. The applicant shall personally sign the application unless he is physically unable to do so. He shall supply all the information required by the application and any other

information which the Board may need to verify statements on his application in regard to his need or eligibility for a 1942 car or to the serviceability of his present car.

(c) In the case of a used 1942 car only, an applicant must also submit a written statement with his application, giving the following information about the specific used 1942 car he wishes to acquire: Make, body type; serial number; engine number; current or previous license plate number and where last registered. In the case of a dealer-owned car which has not been operated on individual private plates, the applicant must also submit the clearance statement issued to the dealer for that specific car.

27. Section 1360.392 is amended to read as follows:

§ 1360.392 *When and how a certificate is issued and used.* (a) If the applicant is applying for a new 1942 car and the Board determines that he is eligible, it shall indicate its approval on the application and shall forward it to the appropriate District Director for his action. The District Director may, within the limits of the monthly quota set for his district by the Office of Price Administration, issue a certificate on Form R-214.

(b) If the applicant is applying for a used 1942 car and the Board determines that he is eligible, it shall issue a certificate to him on Form R-214.

(c) The person to whom a ration certificate has been issued shall use it within thirty days from the date on the certificate but not thereafter, unless additional time is allowed by the Board or the District Director. The allowance of any additional time shall be noted on the face of the certificate.

(d) A certificate for a used 1942 car may be used only to acquire the specific car described.

(e) Any person may deliver a 1942 car to anyone permitted to acquire it under this Ration Order 2A.

(f) The parts of the certificate shall be signed and disposed of in accordance with the instructions thereon.

28. Section 1360.401 is amended to read as follows:

§ 1360.401 *Notification.* The appropriate Board or District Director shall notify the applicant of his decision. If the application is approved, a certificate on OPA Form R-214 shall be issued immediately for the type of 1942 car (new or used) approved.

29. Section 1360.402 is revoked and a new § 1360.402 is added to read as follows:

§ 1360.402 *How 1942 cars are registered—(a) 1942 cars held for use.* A person who has registered a 1942 car may re-register it in any Territory if there is no change in the designation of the registered owner. As a condition to the registration of other 1942 cars for use, the person shall present to the registrar of automobiles a ration certificate or a clearance statement issued for the car sought to be registered.



(b) 1942 cars held for resale. The District Director may authorize the registration of title to 1942 cars held for resale without a clearance statement or ration certificate in any Territory whose law requires such registration. If the District Director has authorized such registration, any person holding a 1942 car in the Territory for resale may register its title. However, no person shall register a 1942 car for use, except as provided in paragraph (a) of this section.

30. Sections 1360.411, 1360.431 and 1360.435 are amended by deleting the word "state" wherever that word appears therein and substituting in lieu thereof the word "District".

31. Sections 1360.433 and 1360.434 are amended by deleting the word "state" and the commas immediately preceding or following it.

This amendment shall become effective October 13, 1944.

NOTE: All record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget as required by the Federal Reports Act of 1942.

Issued this 29th day of September 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-15084; Filed, Sept. 29, 1944;  
11:37 a. m.]

#### PART 1389—APPAREL

[RMPR 208,<sup>1</sup> Amdt. 2]

#### STAPLE WORK CLOTHING

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Revised Maximum Price Regulation 208 is amended in the following respects:

1. Section 2.7 (a) is amended to read as follows:

Sec. 2.7 *Special quota rule on deliveries made by manufacturers*—(a) *Explanation of the special quota rule.* Each manufacturer who delivered staple work clothing at "wholesale prices" (this term is defined in (b) (1) below) in 1941 must, during the remainder of 1944 and during each subsequent calendar year, make at least a certain quota of his deliveries of staple work clothing (including "war models" and "thirty yard minimum boys' bib overalls") at "wholesale prices." During the period from August 26, 1944 to the end of 1944, this quota is that percentage of his total deliveries during this period of garments covered by this regulation which is equal to his "wholesale percentage" (found under paragraph (b) below). During each subsequent calendar year, this quota is that percentage of his total deliveries during that year of garments covered by this regulation which is equal to his "whole-

sale percentage" (found under paragraph (b) below).

*Example:* X, a manufacturer of overalls, has a "wholesale percentage" of 40%, and he expects to deliver 300,000 dozen garments of staple work clothing during the period from August 26, 1944 to the end of 1944. Accordingly, during this period, at least 120,000 dozen garments (40% of 300,000=120,000) must be delivered at "wholesale prices." 180,000 dozen garments or less may be delivered at other than "wholesale prices."

X also expects to deliver certain additional quantities of work clothing garments to the Department of the Navy during the remainder of 1944. He is not permitted to include these garments in calculating the total number of garments delivered during 1944, nor does he include these deliveries in figuring whether he has met his quota, since deliveries of garments made to military specifications to war procurement agencies are not covered by this regulation but are covered by Maximum Price Regulation 157.

If, at the end of a year, a manufacturer fails to meet his quota, he has exceeded his ceiling prices to the extent of the deficiency, and will be liable to civil and criminal penalties accordingly.

2. The first undesignated paragraph of section 2.7 (b) (1) is amended to read as follows:

(b) *How a manufacturer finds his "wholesale percentage"*—(1) *Definitions of "wholesale percentage" and "wholesale price."* A manufacturer's "wholesale percentage" is the percent of his 1941 deliveries of staple work clothing which were made at "wholesale prices." Deliveries to any agency or department of the United States Government shall not be included.

3. Section 2.7 (b) (2) (i) is amended to read as follows:

(i) Find the number of dozens of staple work clothing garments covered by this regulation delivered in 1941 to all purchasers other than agencies or departments of the United States Government.

4. The last sentence of example 3 in section 2.7 (b) (2) (iii) is amended to read as follows:

S's "wholesale percentage" is 40% (20,000÷50,000).

5. A new paragraph (c) is added to section 3.2 to read as follows:

(c) *Purchase by wholesalers of identical lot number from different manufacturers.* If a wholesaler purchases the same garment with the identical lot number from different manufacturers at different prices, the wholesaler may, at his option, compute an "average supplier's price" for the garment according to the instructions set forth in section 4.2 (b) (3) for such computation by Group I retail sellers.

6. Section 4.2 (b) (4) is amended to read as follows:

(4) *Where retail sale is made by manufacturer.* Where a sale at retail is made by a manufacturer, the seller's ceiling price is determined as follows:

(i) Determine the ceiling price for the particular garment for sales to each

class of purchaser under the applicable pricing rule in Article II.

(ii) If a ceiling price for sales to ultimate consumers can be found under (i), the ceiling price for a sale at retail is the price found in (i) for sales to ultimate consumers.

(iii) If a ceiling price for sales to ultimate consumers cannot be found under (i) above, the ceiling price for a sale at retail is found from Column (3) of the tables in Appendix C (Sales at retail by Group I retail sellers) by taking as the "supplier's net selling price" the lowest ceiling price for the garment found under (i) above.

7. At the end of the first paragraph of the example in section 4.4 (b), the figures "(.35+1.98=17.7%)" are deleted and the following figures "(.35+1.98=17.7%)" are substituted.

8. In the third and fourth sentences of section 5.2 (b) (1) (ii) the date "September 25, 1944" is amended to read "November 1, 1944."

9. Paragraph (a) of Appendix B is amended to read as follows:

(a) For all garments made from materials other than denim, chambray, or shirting coverts, Table I must be used.

10. In paragraph (c) of Appendix B the introductory phrase is amended to read as follows:

(c) For all garments made from shirting covert:

11. In Table I of Appendix B, the word "Army" in the twentieth line in Column 1 (Type of Cloth) is deleted, and the word "Government" is substituted.

12. In Column 1 of Table III in Appendix C, the figures "\$24.98-24.05+" are amended to read "\$23.98-24.05+."

13. In the headings to the table in section 6.4 the word "class" in Parts 1 and 2 of Columns A, B and C is amended to read "group."

14. The following footnote is added to the table in section 7.3:

NOTE: The ceiling price of a thirty yard minimum boys' bib overall which is of sub-standard quality, i. e., a "second" or "imperfect," is found by taking the ceiling price of a first quality garment found in the table above and deducting 10%.

15. The headnote to section 7.4 is amended to read as follows:

SEC. 7.4 *Marking and informational requirements.*

16. The text of section 7.4 is redesignated paragraph (a) of section 7.4, and a headnote to paragraph (a) is added to read as follows:

(a) *Notification to be furnished to purchasers for resale.*

17. A new paragraph (b) is added to section 7.4 to read as follows:

(b) *Marking of thirty yard minimum boys' bib overalls*—(1) *Marking required at retail.* On and after October 16, 1944, every person is forbidden to sell or offer to sell at retail or display in a retail

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup>9 F.R. 9978, 10493.



store any thirty yard minimum boys' bib overall which is not marked as required by this section. The marking must contain the following elements:

- (i) The manufacturer's lot number or brand name for the garment.
- (ii) The retail ceiling price.
- (iii) A statement of defects (if any).

(2) *Marking required by manufacturers.* On and after September 29, 1944, every manufacturer is forbidden to deliver a thirty yard minimum boys' bib overall unless the garment is marked with the manufacturer's lot number or brand name and a statement of defects (if any).

(3) *Elements and manner of marking.* The provisions of paragraphs (d) and (e) of section 5.1 relating to the explanation of the elements and manner of marking shall apply to the marking of thirty yard minimum boys' bib overalls.

18. The heading and the first undesignated paragraph of Appendix F are amended to read as follows:

**APPENDIX F—HOW GROUP I RETAIL SELLERS AND WHOLESALE MAY COMPUTE "AVERAGE SUPPLIER'S PRICE"**

A Group I retail seller or a wholesaler may, at his option, compute the "average supplier's price" for a garment as follows:

This amendment shall become effective September 29, 1944.

Issued this 29th day of September 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-15088; Filed, Sept. 29, 1944; 11:36 a. m.]

**PART 1404—RATIONING OF FOOTWEAR**

[RO 6A, Amdt. 14]

**MEN'S RUBBER BOOTS AND RUBBER WORK SHOES**

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Section 2.14 (a) is amended by deleting the last sentence and substituting instead the following: "These records and reports must be kept until further notice by amendment to the order and shall be available for inspection by the Office of Price Administration."

This amendment shall become effective September 29, 1944.

NOTE: The reporting provisions and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 29th day of September 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-15089; Filed, Sept. 29, 1944; 11:36 a. m.]

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 8 F.R. 9458, 11685, 15704; 9 F.R. 604, 946, 2232, 2320, 3943, 5379, 6361, 7202.

**PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS**

[Rev. RO 13<sup>1</sup>, Amdt. 34 to 2d Rev. Supp. 1]

**PROCESSED FOODS**

Section 1407.1102 (e) (8) is added to read as follows:

(8) M5, N5, P5, Q5, and R5 are valid beginning October 1, 1944.

This amendment shall become effective October 1, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9200, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; WFO No. 56, 8 F.R. 2005, 9 F.R. 4319, and WFO No. 58, 8 F.R. 2251, 9 F.R. 4319)

Issued this 29th day of September 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-15082; Filed, Sept. 29, 1944; 11:38 a. m.]

**PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS**

[Rev. RO 16<sup>2</sup>, Amdt. 18 to 2d Rev. Supp. 1]

**MEAT, FATS, FISH AND CHEESES**

Section 1407.3027 (e) (12) is added to read as follows:

(12) H5, J5, K5 are valid beginning October 1, 1944.

This amendment shall become effective October 1, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 3234; WFO No. 56, 8 F.R. 2005, 9 F.R. 4319; WFO No. 58, 8 F.R. 2251, 9 F.R. 4319; WFO No. 59, 8 F.R. 3471, 9 F.R. 4319; WFO No. 61, 8 F.R. 3471, 9 F.R. 4319, and Supp. 1 to WFO No. 61, 9 F.R. 9134, 9369)

Issued this 29th day of September 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-15083; Filed, Sept. 29, 1944; 11:38 a. m.]

**PART 1418—TERRITORIES AND POSSESSIONS**

[MPR 238, Corr. to Amdt. 31]

**CRYSTAL WHITE SOAP IN ALASKA**

The price of Crystal White Soap, giant family size, at retail in Ketchikan, Wrangell, and Petersburg should be \$0.07 instead of \$0.06.

This correction shall become effective as of September 25, 1944.

Issued this 29th day of September 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-15080; Filed, Sept. 29, 1944; 11:36 a. m.]

<sup>1</sup> 9 F.R. 173, 908, 1181, 2091, 2290, 2553, 2830, 2947, 3580, 3707, 4542, 4605, 4607, 4683, 5950, 6103, 6151, 6450, 7344, 7423, 7433, 9169, 9170, 9266, 9278.

<sup>2</sup> 9 F.R. 6772, 6825, 7262, 7438, 8147, 8931, 9266, 9278.

**PART 1418—TERRITORIES AND POSSESSIONS**

[MPR 373<sup>1</sup>, Amdt. 81]

**FOOTWEAR IN HAWAII**

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Section 47 is amended to read as follows:

Sec. 47. *Ceiling prices for sales of imported shoes and slippers at wholesale and retail—(a) Scope of this section.* This section applies to sales at wholesale and sales at retail of all shoes and slippers which are imported into the Territory of Hawaii. Imported shoes and slippers are classified as follows:

(1) *Women's and misses' shoes and slippers.* This applies to all feminine footwear commonly known as ladies', women's, girls' and misses' shoes and slippers, in size 4 and over, including, but not limited to, street, evening, play, sport, uniform, sandals, and like types.

(2) *Men's and boys' shoes and slippers.* This applies to all masculine footwear commonly known as men's and boys' shoes and slippers, in size 4 and over, including, but not limited to, street, work, sport, play, boots, slippers, and like types.

(3) *Children's shoes and slippers.* This applies to all footwear commonly known as children's shoes and slippers, in sizes up to and including size 3½.

(4) *Infants' shoes and slippers.* This applies to all infants' shoes and slippers, including, but not limited to, both hard-soled and soft-soled shoes and slippers.

(b) *Wholesaler's ceiling prices.* If you are a wholesaler, you calculate your ceiling prices for imported shoes and slippers in the following manner:

(1) *For out of stock sales.* First, add your manufacturer's or original importer's selling price and your landing costs. Then multiply this amount by 1.20. The resulting price is your ceiling price.

(2) *For sales on a drop shipment basis.* Multiply your manufacturer's or original importer's selling price by 1.12. The resulting price is your ceiling price.

(3) *For sales of articles purchased from a local wholesaler.* If you purchased an article from another local wholesaler whose ceiling price is established under sub-paragraph (1) or (2) above, you must secure a written record of your supplier's ceiling price. Your ceiling price shall be your supplier's ceiling price.

(c) *Retailer's ceiling prices.* If you are a retailer, you calculate your ceiling prices for imported shoes and slippers in the following manner:

(1) *For sales of articles purchased directly from mainland manufacturers.*

(i) *Women's and misses' shoes and slippers.* Multiply your manufacturer's

<sup>1</sup> 8 F.R. 5363, 6359, 6349, 7200, 7457, 8064, 8550, 10370, 10666, 10934, 11247, 11437, 11849, 12239, 12703, 13023, 13342, 13500, 14139, 14305, 14698, 15253, 15363, 15351, 15852, 15862, 16968, 16037, 17201; 9 F.R. 173, 333, 530, 535, 1153, 1487, 1489, 1523, 1530, 2177, 2177, 2177, 2659, 2660, 3153, 3232, 3341, 3967, 3947, 3945, 4351, 4763, 4821, 4785, 4819, 5163, 5438, 5482.

selling price by 1.80. The resulting price is your ceiling price.

(ii) *Men's and boys' shoes and slippers.* Multiply your manufacturer's selling price by 1.75. The resulting price is your ceiling price.

(iii) *Children's shoes and slippers.* Multiply your manufacturer's selling price by 1.85. The resulting price is your ceiling price.

(iv) *Infants' shoes and slippers.* Multiply your manufacturer's selling price by 1.85. The resulting price is your ceiling price.

(2) For sales of articles purchased directly from mainland wholesalers.

(i) *Women's and misses' shoes and slippers.* First add your wholesaler's selling price and your landing costs. Then multiply this amount by 1.55. The resulting price is your ceiling price.

(ii) *Men's and boys' shoes and slippers.* First add your wholesaler's selling price and your landing costs. Then multiply this amount by 1.50. The resulting price is your ceiling price.

(iii) *Children's shoes and slippers.* First add your wholesaler's selling price and your landing costs. Then multiply this amount by 1.60. The resulting price is your ceiling price.

(iv) *Infants' shoes and slippers.* First add your wholesaler's selling price and your landing costs. Then multiply this amount by 1.60. The resulting price is your ceiling price.

(3) For sales of articles purchased from local wholesalers out of locally warehoused stock.

(i) *Women's and misses' shoes and slippers.* Multiply your wholesaler's selling price by 1.55. The resulting price is your ceiling price.

(ii) *Men's and boys' shoes and slippers.* Multiply your wholesaler's selling price by 1.50. The resulting price is your ceiling price.

(iii) *Children's shoes and slippers.* Multiply your wholesaler's selling price by 1.60. The resulting price is your ceiling price.

(iv) *Infants' shoes and slippers.* Multiply your wholesaler's selling price by 1.60. The resulting price is your ceiling price.

(4) For sales of articles purchased from local wholesalers on a drop shipment basis.

(i) *Women's and misses' shoes and slippers.* Multiply your wholesaler's selling price by 1.80. The resulting price is your ceiling price.

(ii) *Men's and boys' shoes and slippers.* Multiply your wholesaler's selling price by 1.75. The resulting price is your ceiling price.

(iii) *Children's shoes and slippers.* Multiply your wholesaler's selling price by 1.85. The resulting price is your ceiling price.

(iv) *Infants' shoes and slippers.* Multiply your wholesaler's selling price by 1.85. The resulting price is your ceiling price.

(5) Any maximum retail price calculated under this paragraph (c) may be adjusted to the nearest nickel.

(d) *Ceiling prices for articles having a nationally advertised or a manufacturer's established and maintained price—(1) Nationally advertised prices.* Application may be made for approval of a price for an article listed and described in paragraph (a) which is nationally advertised by the manufacturer thereof, and who requires that such article be sold at the prices established by such manufacturer. The applicant must set forth:

(i) Description of the article or line to be priced.

(ii) Proof that the manufacturer has established a resale price and that such price is so marked on the article that any purchaser can know that it is a nationally advertised price.

(iii) A statement that the seller will not sell such article at a higher price than such nationally advertised price. Such application, of course, need not be made where such nationally advertised price is not in excess of the maximum price as calculated under this section.

(2) *Manufacturer's established and maintained price.* Application may be made for approval of a price for any article covered by this section which is established and maintained by the manufacturer thereof, and who requires that such article be sold at the price established and maintained by such manufacturer. The applicant must set forth:

(i) Description of the article or line to be priced.

(ii) Proof that the manufacturer has established and maintained a resale price, and that the manufacturer will not sell to a wholesaler or a retailer who does not maintain this price.

(iii) A statement that the seller will not sell such article at a price higher than such established and maintained price. Such application, of course, need not be made where such established and maintained price is not in excess of the maximum price as calculated under this section.

(e) *Ceiling prices for assorted job lot merchandise.* In cases where a wholesaler or retailer purchases an assorted job lot of merchandise invoiced to him for a single or blanket price, he may make application to the Office of Price Administration for approval of his own allocation of the cost of such merchandise to the different articles involved. Such application shall show the resulting wholesaler or retail ceiling price determined on the basis of such allocated costs.

(f) *Ceiling prices for certain merchandise purchased at lower than manufacturer's ceiling price.* In cases where a wholesaler or retailer purchases from a manufacturer or wholesaler located outside the Territory of Hawaii, any article covered by this section, at a price lower than the manufacturer's ceiling price and lower than a price which the purchaser previously paid for the same merchandise, and where such lesser price was paid by reason of the size of the purchase of the seasonal nature of the goods, application may be made to the Office of Price Administration for a ceiling price for resale of the merchandise, which ceiling price is based upon

the higher price previously paid to such manufacturer, and the appropriate multiple provided by this section. Any such application must be accompanied by the invoice for the goods in question and the invoice establishing the former higher price, or other evidence of a similar nature.

(g) *Inability to determine ceiling prices.* Any person who is unable to determine his ceiling price for the sale of any article covered by this section shall apply the provisions of section 9a of this regulation to determine his ceiling price.

(h) *Landing cost.* (1) Landing cost for articles imported from the mainland shall be the total of the following amounts:

(i) An amount equal to the transportation charges, if any, actually incurred by the purchaser for transportation from the mainland point at which the purchaser received delivery to the mainland port of shipment (including Federal transportation tax and terminal charges) not in excess of public (common or contract) carrier rates.

(ii) An amount equal to mainland storage charges and insurance in connection therewith actually incurred by the purchaser. The charges for storage and insurance in connection therewith in excess of six months shall not be included.

(iii) An amount equal to cartage charges actually incurred by the purchaser for cartage from warehouse to dock in port of shipment, not in excess of public (common or contract) carrier rates.

(iv) An amount equal to charges for ocean freight, War Risk and Marine Insurance actually incurred by the purchaser, and there may be included in this amount Territorial tolls and tonnage tax as shown on the bill of lading. However, the amount by which any cost of War Risk insurance exceeds the rates charged by the War Shipping Administration shall not be included, but the type of coverage is at the discretion of the buyer and seller.

(v) An amount equal to cartage charges in the port of entry in the Territory of Hawaii from dock to the establishment of the purchaser, computed at a rate not in excess of \$1.20 per ton weight or measurement; Provided, that the commodity is moved from a dock at the purchaser's expense.

(2) *Landing cost in cases of inter-island shipments:* In cases where the article has been shipped from one island to another island in the Territory of Hawaii, the following additional charges may be added to those set forth in subparagraph (1), above:

(i) An amount equal to the actual transportation cost to be computed in accordance with the applicable provisions of sub-divisions (iii), (iv), and (v), of subparagraph (1) above.

(i) *Records and reports.* For the purposes of this section this paragraph supersedes the provisions of section 10 of this regulation.

(1) *Required of persons making sales at wholesale—(i) Purchase records.* If

you make sales of any article covered by this section at wholesale, you must keep and make available for examination by this office for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each purchase of each such article, showing:

- (a) The date of purchase and the date of receipt.
- (b) The name and address of the seller.
- (c) Description of the article purchased, including the manufacturer's stock number (if available).
- (d) The price paid or charged.
- (e) The quantity purchased.
- (f) The manufacturer's or original importer's selling price.

If you did not purchase the article from the manufacturer, but relied upon the seller's written statement of the manufacturer's selling price, you shall keep such statement.

(g) All data including purchase, freight, and other invoices or material reflecting the charges incurred by you in arriving at your landing costs.

(ii) *Sales records.* If you make sales of any article covered by this section at wholesale you shall invoice each sale of each such article. A copy of this invoice shall be made and kept by you for examination by this Office for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

The original invoice shall be delivered to the buyer, and shall state:

- (a) The date of sale.
- (b) Itemized list of articles sold.
- (c) Description of the article sold, including the manufacturer's stock number (if available).
- (d) Wholesaler's selling price of each article.

(e) Retailer's ceiling price for each article as calculated under paragraph (c). (Use by the wholesaler of a rubber stamp stating in effect "Your retail ceiling price is \_\_\_\_ times the wholesaler's selling price" will be considered compliance with this requirement. Blank spaces should, of course, be filled in with the appropriate multiple.)

(2) *Required of persons making sales at retail.* The retailer may list the information required below on each purchase invoice covering the article.

If the retailer did not purchase the article from the manufacturer but is relying upon his supplier's written statement of the manufacturer's selling price, he shall keep such statement and make it available for examination by this office for so long as the Emergency Price Control Act of 1942, as amended, remains in effect. The retailer shall likewise keep and make available for examination by this office for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, his purchase invoice covering the article.

(i) *Purchase records.* If you make sales at retail of any article covered by this section, you must complete and make available for examination by this office for so long as the Emergency Price

Control Act of 1942, as amended, remains in effect, complete and accurate records of each purchase of each such article, showing:

- (a) The date of purchase and the date of receipt.
- (b) The name and address of the seller.
- (c) A description of the article purchased, including the manufacturer's stock number (if available).
- (d) The manufacturer's selling price if priced under (c) (1).
- (e) If priced under (c) (2), all data including purchase, freight, and other invoices or material reflecting the charges incurred by you in arriving at your landing costs.
- (f) The wholesaler's selling price if priced under (c) (2), (c) (3), or (c) (4).
- (g) Price paid or received.
- (h) The retailer's ceiling price.
- (i) The retailer's stock number, if any.
- (j) The multiple used in determining the retail ceiling price.

(ii) *Sales records.* (a) Any retailer who has customarily given a purchaser a sales slip, receipt, or other evidence of purchase, shall continue to do so. Upon a request from a purchaser, any retailer regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the retailer, a description of the article sold, and the price received for it.

(b) Every retailer shall keep and make available for examination by this office, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, records of the same kind he has customarily kept relating to the price charged for such article, and in addition, records showing as precisely as possible the basis upon which he determined the ceiling price for such article.

(j) *Posting and marking of prices.* For the purposes of this section this paragraph supersedes the provisions of section 10 (b) of this Maximum Price Regulation No. 373.

(1) *Posting.* On and after the effective date of this section every person who sells or offers to sell at retail any article covered by this section shall post in a conspicuous place in a manner plainly visible to and understandable by the purchasing public in the department or portion of the premises where any such article is sold or offered for sale, a sign stating "Each pair of shoes and slippers in this store (or in this counter, shelf, or in this case, bin, or rack) is marked and sold at our ceiling price or less."

(2) *Marking.* On and after the effective date of this section no person shall sell or deliver or offer for sale at retail any article covered by this section unless there is firmly attached to such article a stamp, tag, or other marking showing the selling price. Such selling price must be plainly visible to and understandable by the purchasing public.

(k) *Definitions.* When used in this section, the term:

(1) "Manufacturer's selling price" means the price at which the manufacturer of the article sold and invoiced it f. o. b. factory, less all discounts and al-

lowances except cash discounts up to 5% and quantity prairie discounts, and before the addition of any premium or other charge permitted under the Second Revised Maximum Export Price Regulation.

(2) "Original importer's selling price" means the price at which the original importer of the article from outside continental United States sold and invoiced it, less all discounts and allowances except cash discounts up to 2%, and before the addition of any premium or other charge permitted under the Second Revised Maximum Export Price Regulation.

(3) "Wholesaler's selling price" means the price appearing on the wholesaler's invoice to the retailer, less all discounts and allowances, except cash discount up to 2% and before the addition of any premium or other charge permitted under the Second Revised Maximum Export Price Regulation.

(4) "Out of stock sales" means sales of articles which are sold out of the seller's stock and which are invoiced and shipped to the establishment of the seller.

(5) "Sales on a drop shipment basis" means sales of articles which are consigned to the seller, but not shipped to his establishment, and which are not delivered out of stock.

(i) *Revocation of orders affecting commodities covered by this section.* Any orders issued prior to August 23, 1944, pursuant to the provisions of sections 9 or 9a of this Maximum Price Regulation No. 373 affecting commodities covered by this section are revoked as of August 23, 1944.

This amendment shall become effective as of August 23, 1944.

NOTE: The reporting and record-keeping requirements of this amendment has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 29th day of September 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-15037; Filed, Sept. 23, 1944; 11:37 a. m.]

#### Chapter XVIII—Office of Economic Stabilization [Directive 9]

##### PART 4003—SUBSIDIES

#### LOUISIANA SUGARCANE 1944 SUPPORT PAYMENT PROGRAM

Pursuant to the authority vested in me as Economic Stabilization Director, I hereby approve the making of support payments by the Commodity Credit Corporation with respect to 1944-crop Louisiana sugarcane on the basis of 85 cents per ton of standard cane.

(E.O. 9250 and E.O. 9328)

Dated this 26th day of September 1944.

FRED M. VINSON,  
Economic Stabilization Director.

[F. R. Doc. 44-15039; Filed, Sept. 23, 1944; 3:52 p. m.]

[Directive 10]

## PART 4003—SUBSIDIES

## LOUISIANA RAW SUGAR, 1944; ABSORPTION OF CERTAIN TRANSPORTATION COSTS

The War Food Administrator has requested my approval of a program to be carried out by the Commodity Credit Corporation for the absorption of certain costs in connection with the transportation of 1944-crop Louisiana raw sugar to refineries in order to enable the allocation of raw sugar in such manner as to take full advantage of available refining capacity. This proposed program is fully described in the War Food Administrator's letter of September 26, 1944, to me and in the memorandum enclosed therewith.

Pursuant to the authority vested in me as Economic Stabilization Director, I hereby approve the carrying out by the Commodity Credit Corporation of the proposed program as described in the War Food Administrator's letter and in the enclosed memorandum.

(E.O. 9250 and E.O. 9328)

Dated this 26th day of September 1944.

FRED M. VINSON,  
Economic Stabilization Director.

[F. R. Doc. 44-15040; Filed, Sept. 28, 1944;  
3:52 p. m.]

## Chapter XX—Office of Contract Settlement

[Gen. Reg. 4]

## PART 8012—PLANT CLEARANCE AND PROPERTY

## SUBPART B—MACHINERY, TOOLS AND EQUIPMENT

SEPTEMBER 28, 1944.

Pursuant to the authority conferred upon me by section 4 (b) and section 12 (g) of the Contract Settlement Act of 1944, the following policies, principles, methods, procedures, and standards relating to removal of government-owned plant equipment from private plants of war contractors are prescribed for all contracting agencies:

Sec.

- 8012.51 General policies.
- 8012.52 Procedure for plant clearance.
- 8012.53 Matters for negotiation and agreement.
- 8012.54 Storage.
- 8012.55 Facilities subcontractors.
- 8012.56 Restoration expenses not to be paid by the Government.
- 8012.57 Initiation of action by owning agencies.
- 8012.58 Advance planning.

AUTHORITY: §§ 8012.51 to 8012.58, inclusive, issued under sec. 4 (b) and sec. 12 (g), Contract Settlement Act of 1944, 58 Stat. 649.

§ 8012.51 *General policies.* It shall be the policy of the owning agencies<sup>1</sup> of the Government to assure the orderly

<sup>1</sup>The term "owning agency" refers to the Government agency which owns or holds title for the United States to the plant equipment located in the plant of the war contractor.

and expeditious removal from the private plants<sup>2</sup> of war contractors of Government-owned machinery, tools and equipment (hereinafter called "plant equipment") which by reason of termination of war contracts at the option, or for the convenience, of the Government or otherwise are no longer required by the contractors for war production or for the national defense and which are not to be retained by them. Much plant equipment is now held by war contractors under contracts or contract provisions specifically governing its use, retention, storage, maintenance or disposition (hereinafter called "facilities contracts") which obligate the war contractors to maintain the plant equipment in standby condition after it has become excess to the needs of the war contractors for war production, or which may otherwise impede orderly and expeditious plant clearance if enforced. To the extent found necessary to effectuate the policy of orderly and expeditious plant clearance, and consistent with the determination of the owning agencies as to the retention at contractors' plants of plant equipment necessary for the national defense, the owning agencies will waive or release, upon such terms and conditions as they may deem appropriate, any existing obligations of the war contractors under facilities contracts.

§ 8012.52 *Procedure for plant clearance.* The following general procedure will be observed by war contractors and the owning agencies in effecting plant clearance:

(a) Whenever a war contractor is of the opinion that he no longer requires for the performance of any war contract any plant equipment installed in his plant covered by an option to purchase or lease which he is then entitled to exercise, he will promptly notify the owning agency whether he desires to exercise the option or is willing to waive it. If he indicates that he desires to exercise the option and the owning agency determines the option provisions are operative, disposition of the plant equipment will be made accordingly.

(b) With respect to plant equipment which the war contractor considers no longer required for war production, (i) not covered by such an option, or (ii) covered by an option which the war contractor is willing to waive, he will promptly<sup>3</sup> submit to the owning agency:

(1) A list of the plant equipment, adequately itemized and described, showing:

(i) The plant equipment which the war contractor desires to retain;

(ii) The plant equipment which, in the opinion of the war contractor, must be removed from its then location in order to make room for other production

<sup>2</sup>The terms "private plants" and "his plant" refer to buildings or other structures owned by the contractor or leased by him from a party other than the Government and do not refer to contiguous separate buildings, extension to buildings, or other structures owned by the Government.

<sup>3</sup>In aid of sound administration, war contractors should not make repeated submissions covering minor amounts of plant equipment.

(specifying the production for which the space occupied by this plant equipment is immediately needed); and

(2) A statement of the amount of space that is or can be made available, in the plant or plants of the war contractor or elsewhere in the vicinity, for the temporary storage of plant equipment; and

(3) A statement of whether the war contractor can arrange to use his own personnel to dismantle and prepare the plant equipment for removal and shipment, or intends to use outside contractors for this purpose.

(c) Unless the war contractor is notified within 10 days after receipt by the owning agency of the list and data that they are not satisfactory, then, within 20 days following such receipt:

(1) The war contractor will be notified whether any plant equipment on the list has been determined by the government to be necessary for his war production or for the national defense; and

(2) With respect to the balance of plant equipment on the list, the war contractor will be notified:

(i) Whether the government is willing to dispose of any plant equipment to the war contractor which he desires to retain;

(ii) Whether it is desired that the war contractor (a) store plant equipment in available storage space in his own plant or plants, or (b) dismantle and prepare plant equipment for removal and shipment. The war contractor will be furnished with specifications, standardized so far as may be practicable, regarding methods of storage, or preparation for removal and shipment.

(d) Subject to the provisions of § 8012.53 below, the following will be accomplished within 60 days (or less if feasible) after receipt by the owning agency of a satisfactory list and data, with respect to all plant equipment on the list not determined by the Government to be necessary for the war contractor's war production or for the national defense:

(1) The Government will dispose of any or all of the plant equipment to the war contractor which the Government is willing to release.

(2) As to the balance of plant equipment:

(i) The war contractor, in accordance with specifications, will temporarily store in available storage space in his own plant or plants the plant equipment which has been designated by the owning agency for such storage.

(ii) The war contractor with his own personnel, or personnel under outside contract, will dismantle the plant equipment not retained for storage and prepare it for removal and shipment in accordance with specifications. The plant equipment will thereupon be removed by or on behalf of the Government.

(3) Prior to or at the time of storage or removal, the war contractor will furnish the Government with an undertaking to waive all option and similar contract rights with respect to this plant equipment whenever requested by the Government.

§ 8012.53 *Matters for negotiation and agreement.* It is recognized that the provisions of existing facilities contracts may be inconsistent with the procedures set forth in § 8012.52 (d). It is also recognized that existing facilities contracts do not in all cases indicate who is to bear the costs of dismantling and preparation, removal, or storage. Such matters (including the terms and conditions of the waiver or release of any existing obligations of the war contractors under facilities contracts) will be made the subject of negotiation and agreement. Such agreement will normally be reached within the time prescribed in § 8012.52 (d) for final action. In other cases it may be feasible to carry out the physical steps prescribed in § 8012.52 (d) within the time there allowed, postponing agreement on such matters as division of costs until a later date (for example, the date of any related termination settlement). Where agreement on essential terms cannot be reached and the war contractor is not willing in the absence of such agreement to carry out the physical steps prescribed in § 8012.52 (d), the parties will be remitted to their respective rights under the existing facilities contract or any applicable provisions of law.

§ 8012.54 *Storage—(a) Contractor's right to store at his own expense.* Except where the applicable facilities contract contains inconsistent provisions and such provisions have not been waived, a war contractor may at any time remove from his plant and store on his own premises or elsewhere at his own expense and risk, any plant equipment which has not been theretofore determined by the Government to be necessary for the war contractor's war production or for the national defense. The war contractor will use reasonable care in the transportation and preservation of plant equipment so removed and stored, and will comply with any standardized specifications covering removal, preservation, transportation, and storage which may be issued by the owning agency and will notify the owning agency of the action taken.

(b) *Contractor's right to store at Government expense.* Except where the applicable facilities contract contains inconsistent provisions and such provisions have not been waived, a war contractor who has (so far as permitted by the Government) carried out the procedure prescribed in this statement, may, at any time after the lapse of 60 days from the date of receipt by the owning agency of a satisfactory list and data, and upon 20 days' prior written notice to the owning agency, remove from his plant and store on his premises or elsewhere, for the account and at the risk and expense of the Government, any plant equipment included in such list which has not been theretofore determined by the Government to be necessary for his war production or for the national defense, and which has not been disposed of, stored or removed as provided in § 8012.52 (d). War contractors will use reasonable care in the transportation and preservation of plant equipment so removed and stored, and will

comply with any standardized specifications covering removal, preservation, transportation and storage which may be issued by the owning agency and will notify the owning agency of the action taken.

(c) *Cooperation in providing storage.* War contractors will be expected to cooperate in the securing of storage space by making space in their plants available for storage on suitable terms so long as their production requirements permit.

§ 8012.55 *Facilities subcontractors.* War contractors are empowered by certain outstanding facilities contracts to permit the plant equipment covered thereby to be installed in the plants of other war contractors (usually under arrangements which are in form subcontracts under the facilities contracts). In general, the procedures for clearance of plant equipment from the plants of such facilities subcontractors will be the same as those set forth above, except that lists and data will be routed to the owning agency through the war contractor with whom the owning agency has executed the applicable facilities contract, and in the negotiation of terms (see § 8012.53) it may become necessary to consider and adjust, among other things, the rights and obligations of the two war contractors as between themselves. The owning agencies may issue specific instructions covering this subject matter and describing the cases, if any, in which the facilities subcontractors may be permitted to present their lists and data direct to the owning agency.

§ 8012.56 *Restoration expenses not to be paid by the Government.* Except where the facilities contracts otherwise provide and such provisions have not been superseded by agreement of the parties, the Government, in making arrangements with war contractors under this statement, will not undertake to reimburse or pay any expenses of restoring, rehabilitating or reconverting the war contractor's plants.

§ 8012.57 *Initiation of action by owning agencies.* While the procedures set forth above assume that the steps looking toward removal of plant equipment will be initiated by war contractors, it is not intended that the owning agencies will necessarily delay action until war contractors present lists and data. Whenever plant equipment is determined by the Government to be excess to the war contractor's needs for war production, the owning agency, without awaiting a request from the war contractor, may avail itself of any existing contract rights and of applicable procedures, or enter into any additional arrangements which may be required, to cause such plant equipment to be removed.

§ 8012.58 *Advance planning.* It is important that war contractors be made aware of the functions which they will be expected to assume under this regulation. War contractors should be encouraged without relaxing war production to plan ahead for plant clearance and in particular to work out time schedules for clearance of the most urgently needed space in their plants. The owning agencies, so far as their personnel

may from time to time be available for the purpose, will review war contractor's plans for plant clearance to the end that mutually satisfactory mechanics for handling the problems may be arrived at before substantial amounts of plant equipment are required to be removed.

ROBERT H. HINCKLEY,  
Director.

[P. R. Doc. 44-15067; Filed, Sept. 23, 1944;  
10:05 a. m.]

## TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### Chapter I—Veterans' Administration

#### PART 10—INSURANCE

##### NATIONAL SERVICE LIFE INSURANCE— CHANGE IN PLAN

Sections 10.3433, 10.3434 and 10.3435 are revised to read as follows:

§ 10.3433 *Exchange of a five-year level premium term policy as of a current effective date.* National Service Life Insurance on the five-year level premium term plan which has been in force at least one year may be exchanged, effective as of the date any premium becomes due within the five-year term period, for insurance of the same amount on any other plan issued by the Veterans Administration under the National Service Life Insurance Act, 1940, upon payment by the insured (except where premium waiver is effective) of the current monthly premium at the attained age of the insured for the plan of insurance selected. The reserve (if any) on the policy will be allowed as a credit on the current monthly premium except where premium waiver is effective. Such exchange will be made without medical examination and upon complete surrender of the policy while in force by payment or waiver of premiums.

§ 10.3434 *Exchange of a five-year level premium term policy as of a date prior to the current month.* National Service Life Insurance on the five-year level premium term plan which has been in force at least one year may be exchanged, effective as of the date any premium has become due within the five-year term period, for insurance of the same amount on any other plan issued by the Veterans Administration under the National Service Life Insurance Act, 1940, upon payment by the insured of the difference between the reserve on the new policy and the reserve on the old policy and payment by the insured (except where premium waiver is effective) of the current monthly premium at the attained age of the insured as of the effective date of the new policy. Such exchange will be made without medical examination and upon complete surrender of the policy while in force by payment or waiver of premiums: provided waiver of the premiums on the new policy shall not be effective prior to the date such policy change was made.

§ 10.3435 *To a policy at a higher rate of premium as of original effective date.* If the insured be not totally disabled National Service Life Insurance on any



plan other than five-year level premium term may be changed to insurance of the same amount, as of the same date and based on the same age, on any plan of insurance issued by the Veterans Administration under the National Service Life Insurance Act of 1940 at a higher rate of premium, upon payment by the insured of the difference between the reserve on the new policy and the reserve on the old policy. Such exchange will be made without medical examination except when deemed necessary to determine whether the insured be totally disabled and upon the complete surrender of the policy while in force by payment of premiums.

(54 Stat. 1008-1014; 38 U.S.C. 801-818)

FRANK T. HINES,  
Administrator of Veterans' Affairs.

SEPTEMBER 30, 1944.

[F. R. Doc. 44-15043; Filed, Sept. 28, 1944;  
4:02 p. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### Chapter II—Office of Defense Transportation

[Suspension Order ODT 35-1]

#### PART 501—CONSERVATION OF MOTOR EQUIPMENT

#### LOCAL PASSENGER TRANSPORTATION EQUIP- MENT; SUSPENSIONS AND PERMITS

Pursuant to Executive Orders 8989, as amended, 9156, and 9294, it is hereby ordered, That:

§ 521.5203 *Suspension of § 501.307 of General Order ODT 35.* Section 501.307 of General Order ODT 35 (8 F.R. 3451) providing for the physical transfer of equipment, shall be, and the same hereby is, suspended until further order of this Office.

This Suspension Order ODT 35-1 shall become effective October 15, 1944.

(E.O. 8989, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9294, 8 F.R. 221)

Issued at Washington, D. C., this 29th day of September 1944.

J. M. JOHNSON,  
Director,

Office of Defense Transportation.

[F. R. Doc. 44-15033; Filed, Sept. 28, 1944;  
3:40 p. m.]

## Notices

### DEPARTMENT OF THE INTERIOR.

#### Office of the Secretary.

[Order 1994]

#### HUNGRY HORSE DAM PROJECT

#### ASSIGNMENT OF FUNCTIONS TO BUREAU OF RECLAMATION AND BONNEVILLE POWER ADMINISTRATOR

Pending the issuance of an order making complete provision for carrying out the purposes of Public Law 329, 78th Congress, 2d Session, approved June 5,

1944, entitled "An Act to Provide for the Partial Construction of the Hungry Horse Dam on the South Fork of the Flathead River in the State of Montana and for other Purposes," and in accordance with the terms of that act it is ordered as follows:

1. The Bureau of Reclamation is hereby designated as the Agency under the direction and supervision of the Secretary of the Interior, to carry out the functions and duties of the Secretary under Public Law 329, 78th Congress, 2d Session, with respect to the design, construction, operation and maintenance of the Hungry Horse Dam project in accordance with the terms of the above act. The Bureau in the design of the power generating facilities to be installed at the Dam shall cooperate and consult with the Bonneville Power Administration.

2. The Bonneville Power Administrator is hereby designated as the Agent, under the direction and supervision of the Secretary, to sell and dispose of electric power and energy generated at the Hungry Horse Dam project and not required for the construction, operation and maintenance of the project, including the irrigation works that may be authorized and constructed in connection therewith.

3. Pending the issuance of a final order fixing the responsibilities of the Bureau and the Administrator, each is authorized to proceed with necessary investigations and plans and with the submission of appropriate budget estimates to enable it to prepare to meet its responsibilities as herein outlined.

HAROLD L. ICKES,  
Secretary of the Interior.

SEPTEMBER 26, 1944.

[F. R. Doc. 44-15070; Filed, Sept. 29, 1944;  
11:12 a. m.]

### DEPARTMENT OF AGRICULTURE.

#### Rural Electrification Administration.

[Administrative Order 859]

#### ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 22, 1944.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Florida 5016C2 Sumter.....	\$25,000
Iowa 5002B3 Sioux.....	40,000
Iowa 5003B3 Plymouth.....	50,000
Iowa 5019B3 Adams.....	80,000
Iowa 5023C3 Crawford.....	50,000
Iowa 5034E5 Jones.....	100,000
Iowa 5043C3 Greene.....	50,000
Iowa 5069B3 Henry.....	60,000
Iowa 5071B4 Buchanan.....	50,000
Kansas 5034G1 Barton.....	430,000
Louisiana 5011C1 Bossier.....	80,000
Louisiana 5020C1 Concordia.....	80,000
Missouri 5040B1 Pettis.....	85,000
Missouri 5043D1 Laclede.....	40,000
New Mexico 5009C3 Curry.....	25,000

Project designation—Con.	Amount
Oklahoma 5022F1 Cotton.....	\$232,000
Oklahoma 5023C1 Okmulgee.....	147,000
South Carolina 5022B2 Fairfield....	20,000

HARRY SLATTERY,  
Administrator.

[F. R. Doc. 44-15072; Filed, Sept. 29, 1944;  
11:14 a. m.]

### DEPARTMENT OF LABOR.

#### Wage and Hour Division.

[Administrative Order 343]

#### APPOINTMENT OF AUTHORIZED REPRESENTATIVES

#### SPECIAL CERTIFICATES FOR EMPLOYMENT OF HANDICAPPED WORKERS

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour and Public Contracts Divisions, Department of Labor, hereby designate and appoint John R. Dille and John J. Brauner as my authorized representatives with full power and authority to grant or deny applications for special certificates for the employment of handicapped workers and to sign, issue, and cancel such special certificates authorizing the employment of handicapped workers pursuant to the provisions of section 14 of the Fair Labor Standards Act of 1938 and Regulations, Title 29—Labor, Chapter V—Wage and Hour Division, Parts 524 and 525.

This order supersedes all previous orders heretofore issued by me or my predecessors in office insofar as such orders authorize certain designated officials of the national office of these Divisions to grant or deny applications for special certificates for the employment of handicapped workers and to sign, issue, and cancel such certificates authorizing the employment of handicapped workers under section 14 of the Fair Labor Standards Act of 1938 and of the Regulations, Parts 524 and 525.

Effective September 30, 1944.

Signed at New York, New York, this 26th day of September 1944.

L. METCALFE WALLING,  
Administrator.

[F. R. Doc. 44-15104; Filed, Sept. 29, 1944;  
12:15 p. m.]

### CIVIL AERONAUTICS BOARD.

[Docket Nos. 1403 and 1490]

#### LIAMA—IQUITOS SERVICE

#### NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of Pan American-Grace Airways, Inc., for amendment to its certificate of public convenience and necessity under section 401 of the Civil Aeronautics Act, as amended, to permit permanent scheduled operations for passengers, property and mail between Lima, Peru, and Iquitos,



Peru, via the intermediate point Juanjui, Peru.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that hearing in the matter of Docket No. 1403, assigned to be heard on October 2, 1944, is hereby postponed to October 16, at 10 a. m. (e. w. t.) in the Foyer, Commerce Auditorium, Commerce Building at 14th Street and Constitution Avenue NW., Washington, D. C., before Examiners Francis W. Brown and James S. Keith; that hearing in the matter of Docket No. 1496, assigned to be heard on October 2, 1944, is hereby postponed indefinitely.

Dated: Washington, D. C., September 27, 1944.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,  
Secretary.

[F. R. Doc 44-15077; Filed, Sept. 29, 1944;  
11:40 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6655]

SOUTHERN TIER RADIO SERVICE, INC.

### NOTICE OF HEARING.

In re application of Southern Tier Radio Service, Inc., (new); date filed, May 19, 1944; for construction permit; class of service, broadcast; class of station, broadcast; location, Binghamton, New York; operating assignment specified: frequency, 1490 kc; power, 250 w; hours of operation, unlimited time. File No. B1-P-3620.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of Binghamton Press Company, Inc., Docket No. 6656; and Joseph H. McGillvra et al d/b as Binghamton Broadcasting Company, Docket No. 6657, for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the applicant corporation, and of its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and what other broadcast services are available to these areas and populations.

3. To determine the type and character of the program service which applicant may be expected to render and the extent to which such service is now being rendered by any other station or stations serving the proposed area in whole or in part.

4. To determine the applicant's proposals with respect to employment of personnel to construct and operate the proposed station.

5. To determine whether the granting of this application would serve an out-

standing public need or national interest, within the meaning of the Commission's supplemental statement of policy of January 26, 1944.

6. To determine whether the granting of this application would be otherwise consistent with the policy announced by the Commission in its memorandum opinion of April 27, 1942, or any subsequent modification thereof.

7. To determine whether public interest, convenience or necessity would be served by a grant of this application, the application of Binghamton Press Company, Inc. (File No. B1-P-3672; Docket No. 6656), and the application of Joseph H. McGillvra, Agnes I. McGillvra and Adam J. Young, Jr., d/b as Binghamton Broadcasting Company (B1-P-3653; Docket No. 6657), or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Southern Tier Radio Service, Inc., Attention: Donald W. Kramer, 316 Security Mutual Building, Binghamton, New York.

Dated at Washington, D. C., September 25, 1944.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 44-15096; Filed, Sept. 29, 1944;  
11:52 a. m.]

[Docket 6656]

BINGHAMTON PRESS CO., INC.

### NOTICE OF HEARING

In re application of Binghamton Press Company, Inc. (new); date filed, August 5, 1944; for construction permit; class of service, broadcast; class of station, broadcast; location, Binghamton, New York; operating assignment specified: frequency, 1490 kc; power, 250 w; hours of operation, unlimited time. File No. B1-P-3672.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of Southern Tier Radio Service, Inc., Docket No. 6655; and Joseph H. McGillvra et al, d/b as Binghamton Broadcasting Company, Docket No. 6657, for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the applicant corporation, and of its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and what other broadcast services are available to these areas and populations.

3. To determine the type and character of the program service which applicant may be expected to render and the extent to which such service is now being rendered by any other station or stations serving the proposed area in whole or in part.

4. To determine the applicant's proposals with respect to employment of personnel to construct and operate the proposed station.

5. To determine whether the granting of this application would serve an outstanding public need or national interest, within the meaning of the Commission's supplemental statement of policy of January 26, 1944.

6. To determine whether the granting of this application would be otherwise consistent with the policy announced by the Commission in its memorandum opinion of April 27, 1942, or any subsequent modification thereof.

7. To determine whether the proposed antenna site would be in compliance with the Commission's standards of good engineering practice.

8. To determine whether the operation of the station at the proposed transmitter site would be consistent with the Commission's standards of good engineering practice, and, in particular, whether the population within the proposed 250 mv/m contour would exceed 1 per cent of the population of the city of Binghamton, New York.

9. To determine whether public interest, convenience and necessity would be served by a grant of this application, the application of Southern Tier Radio Service, Inc. (B1-P-3620; Docket No. 6655), and the application of Joseph H. McGillvra, Agnes I. McGillvra and Adam J. Young, Jr., d/b as Binghamton Broadcasting Company (File No. B1-P-3653; Docket No. 6657), or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Binghamton Press Company, Inc., Atten-

tion: Albert B. Engelbert, 19 Chenango Street, Binghamton, New York.

Dated at Washington, D. C., September 25, 1944.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 44-15097; Filed, Sept. 29, 1944;  
11:52 a. m.]

[Docket 6657]

#### BINGHAMTON BROADCASTING CO.

##### NOTICE OF HEARING

In re application of Joseph H. McGillvra, Agnes I. McGillvra and Adam J. Young, Jr., d/b as Binghamton Broadcasting Company, (New); date filed, July 3, 1944; for construction permit; class of service, broadcast; class of station, broadcast; location, Binghamton, New York; operating assignment specified; frequency 1450 kc; power, 250 w; hours of operation, unlimited time. File No. B1-P-3653.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing in consolidation with the applications of Southern Tier Radio Service, Inc., Docket No. 6655; and Binghamton Press Company, Inc., Docket No. 6656, for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the applicant partnership, and of its members, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and what other broadcast services are available to these areas and populations.

3. To determine the type and character of the program service which applicant may be expected to render and the extent to which such service is now being rendered by any other station or stations serving the proposed area in whole or in part.

4. To determine the applicant's proposals with respect to employment of personnel to construct and operate the proposed station.

5. To determine whether the granting of this application would serve an outstanding public need or national interest within the meaning of the Commission's supplemental statement of policy of January 26, 1944.

6. To determine whether the granting of this application would be otherwise consistent with the policy announced by the Commission in its memorandum opinion of April 27, 1942, or any subsequent modification thereof.

7. To determine the nature, extent and effect of any interference which would result from the simultaneous operation of the applicant's proposed station and from the operation of new stations at Utica, New York, as proposed in the applications of (1) The Utica Observer Dispatch (File No. B1-P-2702, Docket No.

6043); (2) the Midstate Radio Corporation (File No. B1-P-3171, Docket No. 6141); and (3) Ronald B. Woodyard (File No. B1-P-3636), as well as the areas and populations affected thereby, and the nature of other broadcast service available to those areas and populations.

8. To determine whether public interest, convenience or necessity would be served by a grant of this application, the application of Southern Tier Radio Service, Inc. (File No. B1-P-3620; Docket No. 6655), the application of Binghamton Press Company, Inc., (File No. B1-P-3672; Docket No. 6656), or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Joseph H. McGillvra, Agnes I. McGillvra and Adam J. Young, Jr., d/b as Binghamton Broadcasting Company, Room 724, Stewart Mutual Building, Binghamton, New York.

Dated at Washington, D. C., September 25, 1944.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc 44-15098; Filed, Sept. 29, 1944;  
11:52 a. m.]

[Docket 6664]

#### CALCASIEU BROADCASTING CO.

##### NOTICE OF HEARING

In re application of Calcasieu Broadcasting Company (T. B. Lanford, R. M. Dean and L. M. Sepaugh) (KPLC); date filed, May 24, 1944; for construction permit to change frequency, increase power, install new transmitter, and make changes in antenna; class of service, broadcast; class of station, broadcast; location, Lake Charles, Louisiana; operating assignment specified; frequency, 1470 kc; power, 1 kw; hours of operation, unlimited time. File No. B3-P-3623.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing for the following reasons:

1. To determine the areas and populations which would receive primary service from the proposed operation and what other broadcast services are available to these areas and populations.

2. To determine the extent of any interference which would result from the simultaneous operation of KPLC as proposed and Station WMBD.

3. To determine the areas and populations which may be expected to lose primary service, particularly from Station WMBD as a result of the proposed operation, and what other broadcast services are available to these areas and populations.

4. To determine whether the proposed antenna system complies with the standards of good engineering practice, particularly with reference to the height of the vertical lead.

5. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its memorandum opinion of April 27, 1942 or any subsequent modification thereof.

6. To determine the extent and effect of any interference which would result from the simultaneous operation of Station KPLC as proposed and the proposed operation of San Jacinto Broadcasting Company (File No. B3-P-3661).

7. To determine whether the granting of this application would tend towards a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

8. To determine whether, in view of the facts adduced under the foregoing issues public interest, convenience and necessity would be served by the granting of the instant application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Calcasieu Broadcasting Company (KPLC), a partnership composed of T. B. Lanford, R. M. Dean and L. M. Sepaugh, Majestic Hotel, 333 Pujol Street, Lake Charles, Louisiana.

Dated at Washington, D. C., September 25, 1944.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 44-15099; Filed, Sept. 29, 1944;  
11:52 a. m.]

[Docket 6668]

#### CENTRAL NEW YORK BROADCASTING CORP.

##### NOTICE OF HEARING

In re application of Central New York Broadcasting Corporation (WSYR); date

filed, June 15, 1944; for construction permit to make changes in directional antenna; class of service, broadcast; class of station, broadcast; location, Syracuse, New York; operating assignment specified: frequency 570 kc; power, 5 kw; hours of operation, unlimited time, directional antenna—night and day. File No. B1-P-3640.

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for hearing for the following reasons:

1. To determine the areas and population which may be expected to gain service from the operation of Station WSYR operating as proposed, and what other broadcast services are available to these areas and populations.

2. To determine the extent of any daytime interference which might be caused by the simultaneous operation of Station WSYR, as proposed, and Stations WMCA and WKBN.

3. To determine the areas and populations which would be expected to lose primary daytime service, particularly for Stations WMCA and WKBN as the result of the proposed operation of Station WSYR and what other broadcast services are available to those areas and populations.

4. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Central New York Broadcasting Corp., Radio Station WSYR, Starrett-Syracuse Building, 224 Harrison St., Syracuse, New York.

Dated at Washington, D. C., September 25, 1944.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 44-15100; Filed, Sept. 29, 1944;  
11:53 a. m.]

[Docket No. 6672]

#### SPONSORED PROGRAMS

#### ORDER SETTING DATE FOR ORAL ARGUMENT

In the matter of promulgation of rules and regulations under section 317 of the Communications Act.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of September 1944;

Whereas, the Commission is of the opinion that public interest, convenience and necessity may be served by adoption of the following proposed rule:

**Sponsored programs, announcement of.** (a) In the case of each program for which money, services or other valuable consideration is either directly or indirectly paid or promised to, or charged or received by, any radio broadcast station, the station broadcasting such program shall announce, or cause to be announced, both at the beginning and conclusion thereof that the program is paid for or furnished, either in whole or in part, *Provided, however,* That in the case of programs of five minutes duration or less, a single such announcement only, either at the beginning or conclusion of the program, shall be required. The announcement shall fully and fairly disclose the true identity of the person or persons by whom or in whose behalf such payment is made or promised or from whom or in whose behalf such services or other valuable consideration are received. Where an agent or other person contracts or otherwise makes arrangements with a station on behalf of another, the announcement shall disclose the identity of the person or persons in whose behalf such agent is acting.

(b) Valuable consideration for the broadcasting of any program, as used in this section, includes the furnishing, either directly or indirectly, of records, transcriptions, talent, script material, performing rights, or any other material or services of any kind for use in connection with such programs.

Whereas, The Commission is of the opinion that it will best conduce to the proper dispatch of business and to the ends of justice that all interested persons be given an opportunity to file briefs and to appear before the Commission and argue orally why the above proposal should not be adopted or why it should not be adopted in the form proposed by this order.

*Now, therefore, it is hereby ordered,* That, upon the written request of any interested person, oral argument be held before the Commission en banc on November 10, 1944, at 10:30 a. m., as to why the above proposed rule should not be adopted or why it should not be adopted in the form proposed by this order. Such requests for oral argument shall be filed by all persons desiring to appear on or before November 1, 1944, and each such request shall be accompanied by a brief.

[SEAL] FEDERAL COMMUNICATIONS  
COMMISSION,  
T. J. SLOWIE,  
Secretary.

[F. R. Doc. 44-16095; Filed, Sept. 29, 1944;  
11:53 a. m.]

#### INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 524]

RECONSIGNMENT OF APPLES AT  
CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, September 21, 1944, by La Mantia Brothers Arrigo of car FGE 32593, apples, now on the Baltimore & Ohio Railroad, to United States Fruit Company, Minneapolis, Minnesota (R. I.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of September 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-14995; Filed, Sept. 23, 1944;  
12:01 p. m.]

[S. O. 70-A, Special Permit 525]

RECONSIGNMENT OF ONIONS AT CHICAGO,  
ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, September 21, 1944, by Robert L. Barner Company of car FGE 37657, onions, now on the Wood Street Terminal, to Jacksonville, Florida.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it

with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of September 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-14996; Filed, Sept. 28, 1944;  
12:01 p. m.]

[S. O. 70-A, Special Permit 526]

RECONSIGNMENT OF PEACHES AT KANSAS  
CITY, MO.-KANS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Missouri-Kansas, September 21, 1944, by Cochran Brokerage Company, of car ART 16457, peaches, now on the Missouri Pacific Railroad, to Louis Fruit Market, Omaha, Nebraska (MoPac).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of September 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-14997; Filed, Sept. 28, 1944;  
12:01 p. m.]

[S. O. 70-A, Special Permit 527]

RECONSIGNMENT OF MELONS AT CHICAGO,  
ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, September 22, 1944, by La Mantia Brothers Arrigo, of car SFRD 24210, melons, now on the Chicago Produce Terminal, to C & O Produce Company, Cleveland, Ohio. (N. K. P. Railway).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as

agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22d day of September 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-14998; Filed, Sept. 28, 1944;  
12:01 p. m.]

[S. O. 70-A, Special Permit 528]

RECONSIGNMENT OF POTATOES AT CHICAGO,  
ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, September 22, 1944, by Bacon Brothers of cars of potatoes, now on the C. & N. W. Railroad (Proviso Yards), NRC 3084, to House of Abe, Knoxville, Tennessee, (C&O-L&N), and NRC 19855, to A. B. Rains, Jr., Louisville, Kentucky. (C&ET-L&N).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22d day of September 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-14999; Filed, Sept. 28, 1944;  
12:01 p. m.]

[S. O. 70-A, Special Permit 529]

RECONSIGNMENT OF LETTUCE AT CHICAGO,  
ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, September 22, 1944, by Justman Franken-

thal Company, of car SFRD 20234, lettuce, from Salinas, California, September 9, (SP-UP-CB&Q) to Justman Frankenthal Company, New York, New York (PRR).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22d day of September 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-15000; Filed Sept. 28, 1944;  
12:01 p. m.]

[S. O. 70-A, Special Permit 530]

RECONSIGNMENT OF POTATOES AT CHICAGO,  
ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, September 23, 1944, by Bacon Brothers of car ART 72109, potatoes, now on the Wood Street Terminal to Plovaty Bergart Company, Evansville, Indiana (NYO).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 23d day of September 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-15001; Filed, Sept. 28, 1944;  
12:02 p. m.]

[S. O. 70-A, Special Permit 531]

RECONSIGNMENT OF PLUMS AT KANSAS CITY,  
MO.-KANS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943,

permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Missouri-Kansas, September 23, 1944, by Defeo Fruit Company of car PFE 90310, plums, now on the Union Pacific Railroad, to Joplin, Missouri.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 23d day of September 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-15002; Filed, Sept. 28, 1944;  
12:02 p. m.]

[S. O. 70-A, Special Permit 532]

#### RECONSIGNMENT OF CARROTS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, September 23, 1944, by L. Gilliarde Company of car FGE 50480, carrots, now on the Chicago Produce Terminal, to Zimmerman Brothers, Baltimore, Maryland.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 23d day of September 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-15003; Filed, Sept. 28, 1944;  
12:02 p. m.]

[S. O. 70-A, Special Permit 533]

#### RECONSIGNMENT OF PEARS AT MILWAUKEE, WIS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering

paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Milwaukee, Wisconsin, September 25, 1944, by Glanukos & Bemis, of car BREX 75822, pears, now on the C. M. St. P. & P. Railway, to Glanukos & Bemis, Chicago, Illinois, via C. M. St. P. & P. Railway.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 25th day of September 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-15004; Filed, Sept. 23, 1944;  
12:02 p. m.]

[S. O. 70-A, Special Permit 534]

#### RECONSIGNMENT OF PRUNES AT ST. LOUIS, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at St. Louis, Missouri, September 25, 1944, of car PFE 22833, prunes, now on the Wabash Railroad, to Sam Rinehl, Buffalo, New York.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 25th day of September 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-15005; Filed, Sept. 28, 1944;  
12:02 p. m.]

[S. O. 200, 3d Amended Gen. Permit 4]

#### RELING OF POTATOES FROM CALIFORNIA OR ARIZONA

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

On any refrigerator car loaded with potatoes in California, or Arizona, to reice once in transit when destined west of the Mississippi River and to reice twice in transit when destined east of the Mississippi River; and to accord the first or initial icing or the relcing at stations designated by shippers or at the carriers' option, at the first icing station west or east of such designated station. This general permit shall apply to all such cars billed or moving on the effective date hereof.

This general permit shall become effective 12:01 a. m., September 26, 1944, and shall expire at 12:01 a. m., October 15, 1944.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 25th day of September 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-15006; Filed, Sept. 23, 1944;  
12:02 p. m.]

[S. O. 200, Amended Gen. Permit 16]

#### RELING OF POTATOES FROM NORTH DAKOTA, SOUTH DAKOTA, MINNESOTA OR WISCONSIN

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To accord one relcing in transit, after the first or initial icing, on any refrigerator car loaded with potatoes originating at any point or points in the states of North Dakota, South Dakota, Minnesota or Wisconsin.

This general permit shall become effective at 12:01 a. m., September 24, 1944, and shall expire at 12:01 a. m., October 15, 1944.

This general permit shall apply to cars billed or rolling on or after the effective date hereof.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice



of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 23d day of September 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-15007; Filed, Sept. 28, 1944;  
12:02 p. m.]

[S. O. 200, Special Permit 165]

REICING OF POTATOES FROM OLENE AND WOCUS, OREG.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 200 insofar as it applies to the furnishing of reicings in transit, ordered by George C. Burger, on refrigerator cars loaded with potatoes as follows: On cars SFRD 22422 and 35585, shipped September 19, 1944, by George C. Burger from Olene, Oregon, to Smiling Jim Potato Company, Philadelphia, Pennsylvania, (OC&E-Gr. Nor.-CB&Q-PRR), reice at Minneapolis, Minnesota, and Chicago, Illinois; On car PFE 50314, shipped September 20, 1944, by George C. Burger from Wocus, Oregon, to L. Damico & Sons, New Orleans, Louisiana (SP-UP-Mo. Pac.-IC), reice at North Platte, Nebraska, and St. Louis, Missouri; On car WFE 49895, shipped September 20, 1944, by George C. Burger from Olene, Oregon, to C. H. Robinson Company, Omaha, Nebraska, (OC&E-SP-UP), reice at Ogden, Utah; On car GARX 68473, shipped September 20, 1944, by George C. Burger, from Wocus, Oregon, to Duluth Wholesale Grocery Company, Duluth, Minnesota, (Gr. Nor.), reice at Minot, North Dakota.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of September, 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-15008; Filed, Sept. 28, 1944;  
12:02 p. m.]

[S. O. 200, Special Permit 166]

REICING OF POTATOES AT OGDEN, UTAH

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common

carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 200 insofar as it applies to the furnishing of reicings in transit ordered by California Oregon Packing Company on refrigerator cars loaded with potatoes, as follows: On car PFE 27686, shipped September 18, 1944, by California Oregon Packing Company, from Hatfield, California, to Brown & Loe, Kansas City, Missouri, (SP-UP), reice at Ogden, Utah; On car PFE 90892, shipped September 19, 1944, by California Oregon Packing Company from Hatfield, Oregon, to Brown & Loe, Kansas City, Missouri (SP-UP), reice at Ogden, Utah.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of September 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-15009; Filed, Sept. 28, 1944;  
12:03 p. m.]

[S. O. 200, Special Permit 167]

REICING OF POTATOES AT SALT LAKE CITY, UTAH

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 200 insofar as it applies to the furnishing of one reicing in transit at Salt Lake City, Utah, by the Western Pacific Railroad as ordered by California Oregon Packing Company, on car SFRD 22430, potatoes, shipped from Malin, Oregon, September 20, 1944, diverted to Brown & Loe at Salt Lake City for their further diversion (G. N.-W. P.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of September 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-15010; Filed, Sept. 28, 1944;  
12:03 p. m.]

[S. O. 200, Special Permit 168]

REICING OF POTATOES AT WHITEFISH, MONT., AND CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 200 insofar as it applies to the furnishing of two reicings in transit at Whitefish, Montana, and Chicago, Illinois, to car PFE 96152, potatoes, shipped September 21, 1944, by George C. Burger, from Klamath Falls, Oregon, to Smiling Jim Potato Company, Philadelphia, Pennsylvania (OC&E-GN-CB&Q-PRR).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22d day of September 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-15011; Filed, Sept. 28, 1944;  
12:03 p. m.]

[S. O. 200, Special Permit 169]

REICING OF POTATOES FROM OREGON AND CALIFORNIA

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 200 insofar as it applies to the reicing in transit of refrigerator cars loaded with potatoes, shipped by George C. Burger, as follows:

PFE 14011, from Olene, Oregon, September 22, 1944, to Smiling Jim Potato Company, Philadelphia, Pennsylvania (routed OC&E-SP-UP-IC-PRR) reice at Ogden, Utah, and Chicago, Illinois;

MDT 17283 and PFE 92038, from Wocus, Oregon, September 23, 1944, to Market Dealers Service Co., Detroit, Michigan (SP-UP-Wab.) reice at Ogden, Utah, and Council Bluffs, Iowa;

MDT 3601, from Wocus, Oregon, September 23, 1944, to Produce Distributors, Inc., Detroit, Michigan (SP-UP-Wab.) reice at Ogden, Utah, and Council Bluffs, Iowa;

PFE 20,000, from Tule Lake, Calif., September 23, 1944, to Produce Distributors, Inc., Detroit, Mich. (SP-UP-Wab.), reice at Green River, Wyo., and Council Bluffs, Iowa;

NRC 5953, from Wocus, Oregon, September 22, 1944, to Dan Lapanta, Duluth, Minnesota (GN), reice at Williston, N. Dak.

The waybills shall show reference to this special permit.



A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 23d day of September 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-15012; Filed, Sept. 28, 1944;  
12:03 p. m.]

[S. O. 200, Special Permit 170]

#### ICEING OF POTATOES FROM OREGON AND CALIFORNIA

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 200 insofar as it applies to the iceing in transit of refrigerator cars, loaded with potatoes, shipped by George C. Burger, as follows:

MDT 22641, from Olene, Oregon, September 23, 1944, to Smiling Jim Potato Company, Philadelphia, Pennsylvania, (OC&E-SP-UP-IC-PRR), reice at Green River, Wyoming, or Ogden, Utah, and Chicago, Illinois;

GARX 67012, from Wocus, Oregon, September 23, 1944, to Market Dealers Service Co., Detroit, Mich. (SP-UP-Wab.) reice at Ogden, Utah and Council Bluffs, Iowa;

PFE 36387, from Wocus, Oregon, September 23, 1944, to Produce Distributors, Inc., Detroit, Mich. (SP-UP-Wab.) reice at Ogden, Utah and Council Bluffs, Iowa;

PFE 76219, from Olene, Oregon, September 23, 1944, to C. H. Robinson Co., Minneapolis, Minn. (OC&E-GN), reice at Whitefish, Montana;

ART 19837, from Hatfield, California, September 23, 1944, to Dan Lapanta, Duluth, Minnesota (SP-GN) reice at Williston, North Dakota.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 25th day of September 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-15013; Filed, Sept. 28, 1944;  
12:03 p. m.]

[2d Rev. S. O. 224, Gen. Permit 4]

#### ICEING OF FRUITS FROM WASHINGTON, OREGON, OR IDAHO

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (9 F.R. 10429) of Second Revised Service Order No. 224 of August 24, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Second Revised Service Order No. 224 insofar as it applies to the initial iceing of refrigerator cars, loaded with deciduous fruits, originating at origins located in the State of Washington, or in Oregon Groups A and C, or in Idaho Group A, as defined in Perishable Protective Tariff No. 13, Agent J. J. Quinn's I. C. C. No. 22; or loaded with prunes originating at origins located in Oregon Group B or in Idaho Groups B or C, as defined in Agent J. J. Quinn's I. C. C. No. 22.

This general permit shall become effective at 12:01 p. m., September 25, 1944, and shall apply only to cars billed on and after that date.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 25th day of September 1944.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 44-15014; Filed, Sept. 28, 1944;  
12:03 p. m.]

[S. O. 80, Amdt. 21]

#### DESIGNATION OF ALTERNATE AGENT WITH RESPECT TO GRAIN AND RICE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of September, A. D. 1944.

Upon further consideration of the provisions of Service Order No. 80, as amended (codified as § 95.19 of Title 49 CFR):

It is ordered, That D. C. King, Superintendent of Wharves, Port of Beaumont, is hereby designated and appointed as alternate agent of the Commission to issue permits for the movement of grain and rice under the terms of this order at Beaumont, Texas. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U.S.C. 1 (10)-(17))

And it is further ordered, That this amendment shall become effective October 3, 1944; that copies of this amendment be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general pub-

lic by depositing a copy in the office of the Secretary of the Commission at Washington, D. C.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 44-15074; Filed, Sept. 23, 1944;  
11:14 a. m.]

[S. O. 233]

#### UNLOADING OF STEEL BARS AT DETROIT, MICH.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of September A.D. 1944.

It appearing that cars FMCKY 80473, CBQ 40939 and LV 5339, containing steel bars at Detroit, Michigan, on the New York Central Railroad Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action; it is ordered that:

Steel bars at Detroit, Michigan, to be unloaded. (a) The New York Central Railroad Company, its agents or employees, shall unload forthwith cars FMCKY 80473, CBQ 40939, and LV 5339, containing steel bars, on hand at Detroit, Michigan, consigned to H. R. Noack.

(b) Said carrier shall notify the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., when such carloads of steel bars have been completely unloaded. Upon receipt of such notice this order shall expire. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17), 15 (2)).

It is further ordered that this order shall become effective immediately, and that a copy of this order and direction shall be served upon the New York Central Railroad Company and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 44-15075; Filed, Sept. 23, 1944;  
11:14 a. m.]

#### NATIONAL HOUSING AGENCY.

Federal Housing Administration.

274 PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES B AND E

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 25, 1944.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246;

U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Mutual Mortgage Insurance Fund Debentures, Series B and E, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1945, on which date interest on such debentures shall cease:

**2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES B**

Denomination:	Serial numbers (all numbers inclusive)
\$50.....	1,556 to 1,563
\$100.....	5,768 to 5,786
\$500.....	1,824 to 1,831
\$1,000.....	7,008 to 7,036
\$5,000.....	515 to 517

**2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES E**

Denomination:	Serial numbers (all numbers inclusive)
\$50.....	22
\$100.....	84 to 90
\$500.....	21 to 23
\$1,000.....	97 to 115

The debentures first issued, as determined by the serial numbers, were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1944. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1944, and provision will be made for the payment of final interest due January 1, 1945, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1944 to December 31, 1944, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1945, or for purchase prior to that date will be given by the Secretary of the Treasury.

ABNER H. FERGUSON,  
Commissioner.

Approved: September 27, 1944.

D. W. BELL,  
Acting Secretary of the Treasury.

[F. R. Doc. 44-15031; Filed, Sept. 28, 1944; 1:58 p. m.]

**2¾ PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES C AND D**

**NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY**

SEPTEMBER 25, 1944.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Housing Insurance Fund Debentures, Series C and D, of the

denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1945, on which date interest on such debentures shall cease:

**2¾ PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES C**

Denomination:	Serial numbers (all numbers inclusive)
\$100.....	1 to 4
\$500.....	1
\$5,000.....	1
\$10,000.....	1 to 4

**2¾ PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES D**

Denomination:	Serial numbers (all numbers inclusive)
\$100.....	4 to 7
\$1,000.....	4 to 6
\$5,000.....	2
\$10,000.....	162 to 508

The debentures first issued as determined by the serial numbers were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1944. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1944, and provision will be made for the payment of final interest due on January 1, 1945, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1944 to December 31, 1944, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1945, or for purchase prior to that date will be given by the Secretary of the Treasury.

ABNER H. FERGUSON,  
Commissioner.

Approved: September 27, 1944.

D. W. BELL,  
Acting Secretary of the Treasury.

[F. R. Doc. 44-15032, Filed, Sept. 28, 1944; 1:58 p. m.]

**OFFICE OF DEFENSE TRANSPORTATION.**

[Supp. Order ODT 3, Rev. 346]

**COMMON CARRIERS**

**COORDINATED OPERATIONS BETWEEN CHATTANOOGA, TENN., AND ROME, GA.**

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8

F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,<sup>1</sup> and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the car-

<sup>1</sup> Filed as part of the original document.

riers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective October 3, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 29th day of September 1944.

J. M. JOHNSON,  
Director,

Office of Defense Transportation.

#### APPENDIX 1

Great Southern Trucking Co. (a corporation), Jacksonville, Fla.

Cecil Hunt, doing business as Hunt Freight Lines, LaFayette, Ga.

[F. R. Doc. 44-15034; Filed, Sept. 28, 1944; 3:41 p.m.]

[Supp. Order ODT 3, Rev. 347]

#### COMMON CARRIERS

#### COORDINATED OPERATIONS BETWEEN POINTS IN SOUTH CAROLINA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6639, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264; 3357; 6778), a copy of which plan is attached hereto as Appendix 2,<sup>1</sup> and

No. 196—7

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept avail-

<sup>1</sup>Filed as part of the original document.

able for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective October 3, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 29th day of September 1944.

J. M. JOHNSON,  
Director,

Office of Defense Transportation.

#### APPENDIX 1

J. D. Williams, doing business as Textile Warehouse Co., 511 Rhett Street, Greenville, S. C.

Smith Dray Line and Storage Co., Inc., 120 North Markley Street, Greenville, S. C.

[F. R. Doc. 44-15035; Filed, Sept. 23, 1944; 3:41 p.m.]

[Supp. Order ODT 3, Rev. 348]

#### COMMON CARRIERS

#### COORDINATED OPERATIONS BETWEEN ASHEVILLE, N. C. AND CHATTANOOGA, TENN.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended, (7 F.R. 5445, 6639, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778) a copy of which plan is attached hereto as Appendix 2,<sup>1</sup> and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital

equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective October 3, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 29th day of September 1944.

J. M. JOHNSON,

Director,

Office of Defense Transportation.

#### APPENDIX 1

Great Southern Trucking Co. (a corporation), 1863 Clarkson Street, Jacksonville, Fla.  
E. T. & WNC Transportation Co. (a corporation), 111 Tipton Street, Johnson City, Tenn.

[F. R. Doc. 44-15036; Filed, Sept. 28, 1944; 3:40 p. m.]

[Supp. Order ODT 3, Rev. 349]

#### COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN TELL CITY AND CHRISNEY, IND.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,<sup>1</sup> and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the

<sup>1</sup> Filed as part of the original document.

carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation

of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective October 3, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 29th day of September 1944.

J. M. JOHNSON,  
Director,  
Office of Defense Transportation.

#### APPENDIX 1

Hargis Truck Line, Inc., Tell City, Ind.  
A & H Truck Line, Inc., Tell City, Ind.

[F. R. Doc. 44-15037; Filed, Sept. 28, 1944;  
3:40 p. m.]

[Supp. Order ODT 3, Rev. 350]

#### COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN CHARLOTTE, N. C., AND ATLANTA, GA.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 947, 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,<sup>1</sup> and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected

by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective October 3, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 29th day of September 1944.

J. M. JOHNSON,  
Director,  
Office of Defense Transportation.

#### APPENDIX 1

Akers Motor Lines, Inc., Gastonia, N. C.  
W. W. Raper, doing business as American Trucking Co., Intersection 10A and Probur Street, High Point, N. C.

Apex Transportation, Inc., Lessee and Operator of C. S. Schaub, doing business as Apex Motor Line, 525 North Smith Street, Charlotte, N. C.

Associated Transport, Inc., 1775 Broadway, New York, N. Y.

Atlantic States Motor Lines, Inc., High Point, N. C.

Carolina Freight Carriers Corporation, Cherryville, N. C.

Great Southern Trucking Co. (a corporation), 1853 Clarkson Street, Jacksonville, Fla.

Jacobs Motor Lines, Inc., 2115 North Tryon Street, Charlotte, N. C.

Lewis & Holmes Motor Freight Corporation, High Point, N. C.

W. W. Miller, Jr., doing business as Miller Motor Express, 2209 Dowd Road, Charlotte, N. C.

[F. R. Doc. 44-15038; Filed, Sept. 23, 1944;  
3:40 p. m.]

#### [ODT Certificate S-5]

#### COMMON CARRIERS

#### SUBSTITUTION OF RAIL FOR MOTOR SERVICE IN COLORADO

Pursuant to Executive Orders 8939, as amended, and 9156, and in order to provide for the conservation and more efficient utilization of vital transportation facilities, and to prevent and alleviate traffic congestion,

I hereby find and certify that the substitution of rail transportation for that of motor common carrier between Denver, Colorado, and Glenwood Springs, Colorado, and between Denver, Colorado, and Grand Junction, Colorado, by Rio Grande Motor Way, Inc., a motor common carrier, will not adversely affect the transportation of freight by railroad and will aid in conserving motor carrier transportation facilities.

Issued at Washington, D. C., this 28th day of September 1944.

J. M. JOHNSON,  
Director,  
Office of Defense Transportation.

[F. R. Doc. 44-15039; Filed, Sept. 23, 1944;  
10:32 a. m.]

<sup>1</sup> Filed as part of the original document.



## OFFICE OF PRICE ADMINISTRATION.

[MPR 120, Order 1035]

HOFFMAN COAL CO., ET AL.

## ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 1. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad locomotive fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.212 and all other provisions of Maximum Price Regulation No. 120.

HOFFMAN COAL CO., 700 12TH ST., WINDBER, PA.,  
HOFFMAN COAL CO. MINE, C SEAM, MINE INDEX NO. 2706, SOMERSET COUNTY, PA., SUBDISTRICT 33, RAIL SHIPPING POINT: WINDBER, PA.

	Size group Nos.				
	1	2	3	4	5
Price classification.....	E	E	E	E	E
Rail shipment.....	355	335	335	315	315
R. R. locomotive fuel.....	320	320	305	295	295
Truck shipment.....	365	340	*340	330	320
	*Previously established				

CAMARCO & MILLER, P. O. BOX 44, PUNXSUTAWNEY, PA., No. 3-E MINE, E SEAM, MINE INDEX NO. 5108, INDIANA COUNTY, PA., SUBDISTRICT 12, RAIL SHIPPING POINT: SIDING 116, PA., STRIP MINE

	G	G	G	G	G
Price classification.....	G	G	G	G	G
Rail shipment.....	330	330	315	305	305
R. R. locomotive fuel.....	320	320	305	295	295
Truck shipment.....	355	330	330	320	310

CAMARCO & MILLER, P. O. BOX 44, PUNXSUTAWNEY, PA., No. 3-C MINE, C SEAM, MINE INDEX NO. 5106, INDIANA COUNTY, PA., SUBDISTRICT 12, RAIL SHIPPING POINT: SIDING 116, PA., STRIP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification.....	G	G	G	G	G
Rail shipment.....	330	330	315	305	305
R. R. locomotive fuel.....	320	320	305	295	295
Truck shipment.....	355	330	330	320	310

N. B. PUTMAN CO., HONESDALE, PA., PUTMAN #2F MINE, FULTON SEAM, MINE INDEX NO. 5202, BEDFORD COUNTY, PA., SUBDISTRICT 39, RAIL SHIPPING POINT: SANDY RUN, PA., STRIP MINE

	B	B	B	B	C
Price classification.....	B	B	B	B	C
For all methods of transportation and all uses.....	425	425	390	365	350

N. B. PUTMAN CO., HONESDALE, PA., PUTMAN No. 2-B MINE, BARNETT SEAM, MINE INDEX NO. 5201, BEDFORD COUNTY, PA., SUBDISTRICT 39, RAIL SHIPPING POINT: SANDY RUN, PA., STRIP MINE

	B	B	B	B	C
Price classification.....	B	B	B	B	C
For all methods of transportation and all uses.....	425	425	390	365	350

N. B. PUTMAN CO., HONESDALE, PA., PUTMAN No. 1-B MINE, BARNETT SEAM, MINE INDEX NO. 5199, HUNTINGDON COUNTY, PA., SUBDISTRICT 39, RAIL SHIPPING POINT: MILLER RUN SIDING, PA., STRIP MINE

	B	B	B	B	C
Price classification.....	B	B	B	B	C
For all methods of transportation and all uses.....	425	425	390	365	350

N. B. PUTMAN CO., HONESDALE, PA., PUTMAN No. 1-F MINE, FULTON SEAM, MINE INDEX NO. 5200, HUNTINGDON COUNTY, PA., SUBDISTRICT 39, RAIL SHIPPING POINT: MILLER RUN SIDING, PA., STRIP MINE

	B	B	B	B	C
Price classification.....	B	B	B	B	C
For all methods of transportation and all uses.....	425	425	390	365	350

N. B. PUTMAN CO., HONESDALE, PA., PUTMAN No. 2-K MINE, KELLY SEAM, MINE INDEX NO. 5203, BEDFORD COUNTY, PA., SUBDISTRICT 39, RAIL SHIPPING POINT: SANDY RUN, PA., STRIP MINE

	F	F	-F	F	F
Price classification.....	F	F	-F	F	F
For all methods of transportation and all uses.....	425	425	390	365	350

BROWN BROS. COAL CO., 808 POPLAR ST., GROVE CITY, PA., BROWN BROS. MINE, BROOKVILLE SEAM, MINE INDEX NO. 4186, BUTLER COUNTY, PA., SUBDISTRICT 1, DEEP MINE, MAXIMUM TRUCK PRICE GROUP No. 2

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Truck shipment.....	435	435	435	415	405	405	405	320	290	290	270

BULGER BLOCK COAL CO., UNION TRUST BLDG., PITTSBURGH, PA., BULGER #2 MINE, PITTSBURGH SEAM, MINE INDEX NO. 4113, WASHINGTON COUNTY, PA., SUBDISTRICT 7, RAIL SHIPPING POINT: BULGER, PA., STRIP MINE, R. R. FUEL PRICE GROUP 2, MAXIMUM TRUCK PRICE GROUP No. 6

	A	A	O	O	F	F	H	H	H	-----	-----
Price classification.....	A	A	O	O	F	F	H	H	H	-----	-----
Rail shipment.....	330	330	310	310	275	265	235	235	235	235	235
Railroad fuel.....	330	330	310	310	290	275	235	235	235	235	235
Truck shipment.....	425	425	425	385	375	375	375	325	290	290	255

This order shall become effective September 29, 1944.

(56 Stat. 23, 765, 57 Stat. 566, Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of September 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-15061; Filed, Sept. 28, 1944; 4:45 p. m.]

[MPR 120, Order 1036]

BROWN BROS. COAL CO., ET AL.

## ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classification and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 2. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.213 and all other provisions of Maximum Price Regulation No. 120.

estimated to be for rail shipment or for railroad fuel in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.219 and all other provisions of Maximum Price Regulation No. 120.

ELBERT BOTKINS, FLAT LICK, KY., BOTKINS MINE, JELICO SEAM, MINE INDEX No. 5401, KNOX COUNTY, KY., SURDIST. 0, RAIL SHIPPING POINT: FLAT LICK, KY., F. O. G. 111, DEEP MINE, MAXIMUM TRUCK PRICE GROUP No. 5

Size Group Nos.												
1	2	3	4	5	6	7	8	9	10	11-12-13	14	15
O	O	O	O	J	J	II	G	E	G	O	K	K
300	355	340	340	360	350	330	325	325	360	315	300	295
350	360	335	335	330	295	260	255	255				

LEONARD CHANEY, EAST LYNN, W. VA., CHANEY MINE, No. 5 BLOCK SEAM, MINE INDEX No. 7198, WAYNE COUNTY, W. VA., SUNDIST 8, RAIL SHIPPING POINT: KENOVA, W. VA., F. O. Q. 130, DEER MINE, MAXIMUM TRUCK PRICE GROUP No. 5

	Q	Q	Q	O	L	J	G	M	M
Rice classification.....	330	325	320	310	310	290	295	260	255
Wool shipment.....	330	325	320	310	310	290	295	260	255
Airfreight fuel.....	330	325	320	310	310	310	295	260	255
Truck shipment.....	330	360	335	320	280	.....	.....	.....	.....

MUNSON FUEL CO., BLAENVOOR, VA., DARRY MINE, No. 5 SEAM, MINE INDEX No. 7211, LEE COURT, VA., SUM-DICT. 7, KAIL SHIPPING PORT: BUNDY, VA., F. O. G. 232, DEEP MINE, MAXIMUM TRUCK PRICE GROUP No. 3

[illegible]

JOHN HERRMAN COAL CO., PINEVILLE, KY., No. 1 MRF., LEFTHORN No. 1 SEAM, MINE INDEX No. 7144, PURE  
CO. COUNTRY, KY., SEC.-DIST. 1, RAIL SHIPING POINT: PINEVILLE, KY., F. O. G. 01, DEEP MINER MAXIMUM THICK-  
NESS: 10' 5".

Site group nos.														
	1	2	3	4	5	6	7	8	9	10	15-16-17	18	19	20-21
Site description-- all elements and railroad fuel truck shipment.....	K	K	K	K	H	H	G	E	O	O	D	G	G	G
	265	270	350	320	345	335	315	315	315	370	300	295	235	235
	350	260	335	335	330	335	330	235						

WATKINS COAL CO., REGINA, KY., BATTLE NO. 1 MINE, ELEPHORN NO. 1 AND/OR ELEPHORN NO. 2 SEAM, MINE INDEX NO. 7312, PIKE COUNTY, KY., SUB-DIST. 1, RAIL SHUFFLE POINT: REGINA, KY., E. O. G. 01, DEEP MINE, MASTON, TRUCK BRACE ABOVE, 100'.

	K	K	K	K	I	I	G	F	O	C	D	G	G	G
See classification... all elements and railroad fuel.....	395	360	360	360	345	335	315	315	315	370	300	295	285	280
net shipment.....	380	360	335	335	320	295	260	235	.....	.....	.....	.....	.....	.....

J. C. COAL CO., CLINTON, PA., RUTH MINE, PITTSBURGH SEAM, MINE INDEX NO. 4033, ALLEGHENY COUNTY, PA., SUB DISTRICT 7, RAIL SUTTING POINT: IMPERIAL, PA., DEEP MINE, R. R. FUEL PRICE GROUP 2, MAXIMUM TRUCK PRICE GROUP NO. 6

Size group Nos.											
	1	2	3	4	5	6	7	8	9	10	11
Price classification.....	D	D	G	O	F	F	G	G	G		
Rail shipment.....	325	325	335	355	300	200	270	270	255		
Water shipment.....	325	325	335	355	315	300	270	270	260		
Truck shipment.....	425	425	425	300	300	300	300	325	285	295	270

JAMUEL F. KING AND S. QUAY KING, BRENNEN BLDG., SCOTSDALE, PA., ARONA MINE, PITTSBURGH SEAM, MINE INDEX NO. 4217, WESTMORELAND COUNTY, PA., SUBDISTRICT 9, RAIL SHIPING POINT: ARONA P.A., DEEP MINE, R. R. FUEL PISTON GROUP I, MARCONI TUNNEL, DEPT. OF COMMERCE, PITTSBURGH, PA.

Price classification	D	O	C	O	C	O
Rail shipment.....	335	335	335	325	300	290
Truck shipment.....	335	335	335	325	300	280
Truck equipment.....	415	415	305	305	305	295
						265

STEVE POTOFA, 117 MOREWOOD ST., Mt. Pleasant, Pa., POTOFA No. 2 MINE, UPPER FREIGHT SEAM, MINE INDEX No. 2369, WESTMORELAND COUNTY, Pa., SUBDISTRICT 9, RAIL SHIPPING POINT, T. ARES, Pa., DEPT. MINE

[illegible]

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
Previously established.																																																																																																			

NEVE POTOKA, 117 MOREWOOD ST., MT. PLEASANT, PA.; POTOKA No. 1 MINE, PITTSBURGH SEAM, MINE INDEX No. 463, WETMORELAND COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT: TAINES, PA., DEEP MINE, R. R. **Full Price Group 6, MAXIMUM TUCK PRICE GROUP No. 8**

Refco classification..... <sup>2</sup>	E	F	G	C	B	D	C	C	235
tail shipment.....	335	335	335	335	335	335	335	235	235
aircraft fuel.....	335	335	335	335	335	335	335	235	235
truck shipment.....	415	415	415	335	335	335	335	235	235

**This order shall become effective September 20, 1944.**

56 Stat. 23, 765; 57 Stat. 560; Pub. Law 83, 78th Cong. E.O. 9250, 7 F.R. 7871; maximum prices in cents per net ton, for the indicated uses and shipments as follows:

Issued this 28th day of September 1944.

**CHESTER BOWLES,**  
*Administrator.*

r. v. Doc. 45-18603; filed, Sept. 28, 1944; 4:45 p. m.]

[MPR 120, Order 1037]

**ELBERT BOTKINS, ET AL.**  
**ADJUSTMENT OF MAXIMUM PRICES**  
**for the price classifications of the respec-**  
**the prices set forth in such amendment**  
**names involved herein, the prices shall be**

For the reasons set forth in an accompanying opinion, and in accordance with any opinion, and in accordance with maximum prices stated to be for truck

shipment are in cents per net ton f. o. b. the mine or preparation plant and when the mine or preparation plant and when

This order shall become effective September 29, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of September 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-15063; Filed, Sept. 28, 1944;  
4:45 p. m.]

[MPR 188, Amdt. 53 to Order A-1]

#### BUILDING BLOCKS, ETC.

#### ADJUSTMENT OF MAXIMUM PRICES

An opinion accompanying Amendment No. 53 to Order A-1 has been issued simultaneously herewith and filed with the Division of the Federal Register.

Paragraph (a) (32) is amended to read as follows:

(32) *Modification of producers' maximum prices for certain crushed stone aggregates, concrete building blocks, and ready-mixed concrete produced in Southern Florida.* (i) The maximum prices for certain sizes of Miami Oolite Limestone, all of which are hereinafter specifically described, when produced within a radius of 50 air-miles of the Dade County (Florida) Court House and when used in the building of roads, dams, buildings, and other structures, or when used as aggregates in ready-mixed concrete or job-mixed concrete or in bituminous binder mixtures, or in concrete building blocks, and other cast concrete products, shall be as follows:

Grade "C" crushed stone, no abrasion requirement	Maximum prices f.o.b. plant	Maximum prices delivered to job site within the Miami area
Ballast (minus 2½ plus ¾ inches)	\$0.95	\$1.70
Concrete rock (minus 1½ plus ¾ inch)	1.20	2.00
Pea rock (minus ¾ inch plus No. 4)	1.50	2.85
Rice rock (or cherts) (minus ¾ inch plus No. 4)	1.90	2.75
Screenings—no abrasion requirement: Minus ¾ inch	1.00	1.75
Mason sand or screenings—no abrasion requirement: Minus ¾ inch	1.00	1.75
Lime rock-pit run:		
Grade No. 1	.90	1.65
Grade No. 2	.80	1.55

All of the above maximum prices are per cubic yard when sold for delivery by truck or barge, and are per net ton when sold aboard railroad cars, f. o. b. plant or nearest railroad siding.

The gradations of "Miami Oolite Limestone" specified in this paragraph (a) (32) refer to the Dade and Broward County "Standard Classification for Crushed Stone and Screenings" filed with the Office of Price Administration on July 29, 1944. "Grade C Crushed Stone, Rock Screenings, and Mason Sand and Screenings" are not required to meet an abrasion test. "Lime Rock-Pit Run" must meet the specifications of the Flor-

ida State Road Department for Grades Nos. 1 and 2.

(ii) Any person producing an aggregate from Miami Oolite Limestone not comparable with any of the aggregates hereinbefore specified by reason of a gradation requiring extra or special screenings, or because such aggregate is from a deposit composed of stone having especially valuable properties, or for any other reason, provided such material is produced for commercial use in construction or for use as an aggregate and cannot be produced and sold at the maximum prices herein established without hardship to the producer, shall file an application for the establishment of a maximum price for such material under § 1499.158 of Maximum Price Regulation No. 188. Such application shall be filed with the Office of Price Administration, Building Materials Price Branch, Washington 25, D. C., and shall contain a description of the special aggregate, with a detailed statement showing:

(a) A comparison between the aggregate for which a maximum price is fixed herein and the aggregate for which a price is requested, with definite information showing the claimed superior qualities.

(b) The extra production process used in producing the special aggregate and the extra cost of such process.

(c) The need of a maximum price differing from the maximum prices fixed herein.

(iii) The maximum prices for certain ready-mixed concrete, as hereinafter specified, produced within a radius of 15 air-miles of the Dade County (Florida) Court House, shall be as follows:

[Maximum prices, per cubic yard, delivered to job site within the Miami area]

Bags of cement per cubic yard of ready-mixed concrete:

4	\$6.60
4½	6.95
5	7.30
5½	7.65
6	8.00
7	8.70
8	9.40
9	10.10
10	10.80

(iv) The maximum prices for certain concrete building blocks, as hereinafter specified, produced within a radius of 15 air-miles of the Dade County (Florida) Court House, shall be as follows:

Size	Maximum prices per block f. o. b. plant	Maximum prices per block, delivered within the Miami area
8 x 8 x 16	\$0.0950	\$0.1150
8 x 12 x 16	.1050	.19
4 x 8 x 16	.0675	.0775
8 x 8 x 16 (corners and jams)	.0950	.1150
8 x 12 x 16 (corners)	.1050	.19
8 x 8 x 8 (single corners and half jams)	.0675	.0775
8 x 4 x 16 or 8 x 8 x 16 partition tile	.0675	.0775

(v) Delivery areas for which no additional charges may be made and the conditions under which such charges may be

made are to be determined according to the following methods:

(a) *Delivery within the Miami area.* Maximum prices established by this paragraph (a) (32) for delivery "Within the Miami Area" include delivery by each producer within the area recognized by him during March 1942 as his normal delivery area or zone for the commodity to be delivered. No extra charge may be for delivery within such area or zone. Any producer who did not have a normal delivery area or zone during March 1942, shall regard the delivery area or zone of his most comparable seller as his in-area territory covered by the term "within the Miami Area."

(b) *Delivery outside the Miami Area.* For delivery outside the Miami area, as described in subdivision (a) above, each producer may add to the maximum prices established herein an amount not in excess of the charge in effect by him during March 1942 for each particular destination. If a producer does not have an established maximum delivery charge for delivery outside the Miami area because he was not in business during March 1942, or, if was then in business, because he did not deliver outside the Miami area, or for any other reason, he must file a schedule of proposed delivery charges to be added to the maximum prices established by this paragraph (a) (32) with the Jacksonville District Office of the Office of Price Administration. Such charges shall not exceed the charges established for other manufacturers for the same or similar service and shall be subject to approval or disapproval within 20 days of the date of filing.

Before the expiration of the 20-day period the District Director of the Jacksonville District Office either will approve or disapprove the requested charges. In the absence of such approval or disapproval within the 20-day period, the reported delivery charges, if properly filed, shall be deemed to have been approved by that Office.

(vi) *Discounts and other price differentials and services.* All cash, quantity, and other price differentials and services at least as great as those extended by each seller during March 1942 must be continued.

This Amendment No. 53 shall become effective October 3, 1944.

Issued this 28th day of September 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-15055; Filed, Sept. 28, 1944;  
4:42 p. m.]

[MPR 188, Order 2451]

ROCKAWAY CABINET Co.

#### ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act, as amended, the Stabilization Act of 1942,

as amended, Executive Orders Nos. 9250 and 9328; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries, of two items of unfinished wardrobes manufactured by Rockaway Cabinet Company, 622 Rockaway Avenue, Brooklyn, New York.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
Unfinished wardrobe.	(Single door..... (Double door.....	Each \$8.83 8.29	Each \$9.03 9.76

These prices are f. o. b. factory, and are for the articles described in the manufacturer's application dated February 11, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified in subdivision (1) (i) of this paragraph (a), the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum prices set forth below, f. o. b. factory:

Article	Model No.	Maximum price to retailers
Unfinished wardrobe.....	(Single door..... (Double door.....	Each \$8.83 9.76

These prices are for the articles described in the manufacturer's application dated February 11, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, maximum prices shall be determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 29th day of September 1944.

Issued this 28th day of September 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-15057; Filed, Sept. 28, 1944;  
4:43 p. m.]

[MPR 183, Order 2452]

HOULE BROS.

#### ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act, as amended, the Stabilization Act of 1942, as amended, Executive Orders Nos. 9250 and 9328; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries, of an unfinished bookcase manufactured by Houle Bros., 56 Norfolk Street, Auburn, Rhode Island.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
Bookcase .....	Unfinished..	Each \$3.04	Each \$4.23

These prices are f. o. b. factory, and are for the article described in the manufacturer's application dated January 20, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified in subdivision (1) (i) of this paragraph (a), the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply

to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.153, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum price set forth below, f. o. b. factory:

Article	Model No.	Maximum price to retailers
Bookcase.....	Unfinished.....	Each \$4.23

This price is for the article described in the manufacturer's application dated January 20, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, maximum prices shall be determined under the applicable provisions of the General Maximum Price Regulations.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 29th day of September 1944.

Issued this 28th day of September 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-15059; Filed, Sept. 23, 1944;  
4:44 p. m.]

[MPR 183, Order 2453]

AUTO-BYE CO.

#### ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act, as amended, the Stabilization Act of 1942, as amended, Executive Orders Nos. 9250 and 9328; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries, of an Auto-Bye Chair manufactured by Auto-Bye Company, 1151 South Broadway, Los Angeles, California.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell from the manufacturer's

stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
Auto-bye chair.....	710	Each \$1.74	Each \$2.05

These prices are f. o. b. factory, are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the article described in the manufacturer's application dated July 5, 1944.

(i) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified in subdivision (1) (i) of this paragraph (a), the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum price set forth below, f. o. b. factory:

Article	Model No.	Maximum price to retailers
Auto-bye chair.....	710	Each \$2.05

This price is subject to a cash discount of two percent for payment within ten days, net thirty days, and is for the article described in the manufacturer's application dated July 5, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, maximum prices shall be determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 29th day of September 1944.

Issued this 28th day of September 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-15059; Filed, Sept. 28, 1944; 4:44 p. m.]

[RMFR 436, Order 29]

#### CRUDE PETROLEUM FROM DESIGNATED POOLS IN KANSAS, OKLAHOMA, WYOMING AND WEST VIRGINIA

##### ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in the accompanying opinion and under the authority vested in the Administrator of the Office of Price Administration by section 12 (c) of Revised Maximum Price Regulation No. 436, *It is hereby ordered:*

(a) That notwithstanding the provisions of section 12 of Revised Maximum Price Regulation No. 436, the maximum price of crude petroleum run from the receiving tank on or after October 1, 1944, and produced in any of the pools set out below to an applicant under the Stripper Well Compensatory Regulation of Defense Supplies Corporation or to any person purchasing prior to such applicant shall be the maximum price as determined under section 10 or 11 of Revised Maximum Price Regulation No. 436 and the amount of the increase designated below:

Pool	County	State	Amount of increase (dollars per 42-gallon barrel)
All pools.....	Crawford	Kansas	\$0.35
Kruse.....	Rooks	Kansas	.25
Hollow-Nikkel.....	Harvey	Kansas	.20
Platter.....	Osage	Oklahoma	.35
Sams (Pennsylvania).....	Noble	Oklahoma	.35
Sams (Oswego).....	Noble	Oklahoma	.35
Reed.....	Garfield	Oklahoma	.25
North La Barge.....	Sublette	Wyoming	.35
Unit Area.....			
All pools in West Virginia except those producing Pennsylvania Grade crude oil.			.35

(b) This order may be revoked, amended or corrected at any time.

This order shall become effective October 1, 1944.

Issued this 29th day of September 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-15079; Filed, Sept. 29, 1944; 11:39 a. m.]

[RMFR 436, Order 30]

#### CRUDE PETROLEUM FROM DESIGNATED POOLS IN INDIANA AND ILLINOIS

##### ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in the accompanying opinion and under the au-

thority vested in the Administrator of the Office of Price Administration by section 12 (c) of Revised Maximum Price Regulation No. 436, *It is hereby ordered:*

(a) That notwithstanding the provisions of section 12 of Revised Maximum Price Regulation No. 436, the maximum price of crude petroleum run from the receiving tank on or after October 1, 1944, and produced in any of the pools set out below to an applicant under the Stripper Well Compensatory Regulation of Defense Supplies Corporation or to any person purchasing prior to such applicant shall be the maximum price as determined under section 10 or 11 of Revised Maximum Price Regulation No. 436 and the amount of the increase designated below:

Pool	County	State	Amount of increase (dollars per 42-gallon barrel)
Rockport.....	Spencer	Indiana	0.35
Dundas Consolidated.	Richland and Jasper.	Illinois	.25

(b) This order may be revoked, amended or corrected at any time.

This order shall become effective October 1, 1944.

Issued this 29th day of September 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-15081; Filed, Sept. 29, 1944; 11:38 a. m.]

[Rev. Gen. Order 51, Amdt. 1]

#### AUTHORIZATION TO FIX COMMUNITY CEILING PRICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Paragraph (b) (2) is amended to read as follows:

(2) *Ceiling prices.* Every person selling food items at retail must obtain from the Office of Price Administration one or more copies (as many copies as may be needed to satisfy the requirements of this subparagraph) of each list of the applicable dollars-and-cents ceiling prices fixed hereunder for such food items. Unless a list contains a statement that it need not be posted, the following rules shall apply: One copy of each list of the dollars-and-cents ceiling prices fixed for dry groceries must be posted for each 1500 square feet or part thereof of selling space. If more than one copy of a list of dry groceries is required, they must be posted at least 25 feet apart. One copy of each list of the dollars-and-cents ceiling prices fixed for all items other than "dry groceries" must



be posted at or near the place where the item or items are offered for sale.

Each list must be posted in such a manner that it can be easily read and so that customers can approach it within a distance of two feet. If the dollars-and-cents ceiling prices established hereunder do not replace the ceiling prices of a seller, he must continue to post his ceiling prices as required by any other applicable regulation.

This amendment shall become effective October 4, 1944.

Issued this 29th day of September 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-15080; Filed, Sept. 29, 1944;  
11:39 a. m.]

#### Regional and District Office Orders.

#### LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register on September 27, 1944.

##### REGION I

Connecticut Order 1-P, covering fresh fish and seafood items in Connecticut, filed 11:51 a. m.

Connecticut Order 4-F, Amendment 3, covering fresh fruit and vegetables in the Connecticut district, filed 11:42 a. m.

##### REGION II

Albany Order 15, covering community food prices in designated areas in New York, filed 11:44 a. m.

Albany Order 16, covering community food prices in designated areas in New York, filed 11:47 a. m.

Albany Order 17, covering community food prices in designated counties in the Albany district, filed 11:47 a. m.

Pittsburgh Order 2-W, Amendment 1, covering dry groceries in the Pittsburgh marketing area, filed 11:49 a. m.

Pittsburgh Order 8, Amendment 2, covering community food prices in designated counties in Pennsylvania, filed 11:48 a. m.

Pittsburgh Order 9, Amendment 2, covering community food prices in designated counties in Pennsylvania, filed 11:48 a. m.

New York Order 1-F, Amendment 26, covering fresh fruit and vegetables in the five boroughs of New York City, filed 11:43 a. m.

New York Order 3-F, Amendment 13, covering fresh fruit and vegetables in designated cities in New York, filed 11:43 a. m.

New York Order 6-F, Amendment 8, covering fresh fruit and vegetables in Nassau and Westchester Counties, N. Y., filed 11:43 a. m.

New York Orders 16 and 17, Amendments 1, covering community food prices in designated counties in New York, filed 11:51 a. m.

New York Order 18, Amendment 1, covering community food prices in designated areas in New York, filed 11:51 a. m.

##### REGION IV

Birmingham Order 1-F, Amendment 15, covering fresh fruit and vegetables in Jefferson County, Alabama, filed 4:34 p. m.

Jackson Order 2-F, Amendment 29, covering fresh fruit and vegetables in designated counties in Mississippi, filed 4:39 p. m.

Jackson Order 3-W, Amendment 1, covering community food prices in the Mississippi area, filed 4:34 p. m.

Memphis Order 5-F, Amendment 9, covering fresh fruit and vegetables in the Memphis district, filed 4:38 p. m.

Memphis Order 19, Amendment 2, covering community food prices in the Memphis district, filed 3:15 p. m.

Memphis Order 20, Amendment 2, covering community food prices in the Memphis area, filed 3:15 p. m.

Montgomery Order 17-F, Amendment 7, covering fresh fruit and vegetables in Houston County, Alabama, filed 4:37 p. m.

Montgomery Order 18-F, Amendment 6, covering fresh fruit and vegetables in Dallas County, Ala., filed 4:37 p. m.

Montgomery Order 19-F, Amendment 8, covering fresh fruit and vegetables in Mobile County, Alabama, filed 4:38 p. m.

Raleigh Order 9-F, covering fresh fruit and vegetables in the Raleigh, N. C., district, filed 4:39 p. m.

##### REGION V

Dallas Order 1-F, Amendment 33, covering fresh fruit and vegetables in certain areas in the Dallas district, filed 3:25 p. m.

Dallas Order 3-W, Amendment 2, covering community food prices in certain areas in the Dallas district, filed 4:36 p. m.

Fort Worth Order 1-F, Amendment 36, covering fresh fruit and vegetables in Tarrant County, Tex., filed 3:17 p. m.

Fort Worth Order 2-F, Amendment 39, covering fresh fruit and vegetables in Taylor County, Tex., filed 3:18 p. m.

Fort Worth Order 3-F, Amendment 36, covering fresh fruit and vegetables in Green County, Tex., filed 3:18 p. m.

Fort Worth Order 4-F, Amendment 36, covering fresh fruit and vegetables in McLennan County, Tex., filed 3:18 p. m.

Fort Worth Order 5-F, Amendment 36, covering fresh fruit and vegetables in Wichita County, Tex., filed 3:18 p. m.

Fort Worth Order 3-W, Amendment 1, covering community food prices in certain areas in Texas, filed 3:15 p. m.

Fort Worth Order 15, Amendment 1, covering community food prices in certain areas in Texas, filed 3:16 p. m.

Fort Worth Order 16, Amendment 1, covering community food prices in certain areas in Texas, filed 3:16 p. m.

Lubbock Order 3-F, Amendment 20, covering fresh fruit and vegetables in the Lubbock, Texas, district, filed 3:25 p. m.

##### REGION VI

Des Moines Order 1-F, Amendment 35, covering fresh fruit and vegetables in the Des Moines area, filed 3:19 p. m.

Peoria Order 1-F, Amendment 14, covering fresh fruit and vegetables in certain areas in Illinois, filed 3:24 p. m.

Peoria Order 2-F, Amendment 20, covering fresh fruit and vegetables in certain areas in Illinois, filed 3:24 p. m.

Peoria Order 3-F, Amendment 20, covering fresh fruit and vegetables in certain areas in Illinois, filed 3:24 p. m.

Peoria Order 4-F, Amendment 15, covering fresh fruit and vegetables in Bloomington and Normal, Illinois, filed 3:24 p. m.

Peoria Order 5-F, Amendment 3, covering fresh fruit and vegetables in Knoxville and Galesburg, Illinois, filed 3:24 p. m.

##### REGION VIII

Los Angeles Order 1-P, covering fresh fish and seafood in designated portion of Los Angeles County, filed 11:54 a. m.

Los Angeles Order 1-F, Amendment 33, covering fresh fruit and vegetables in the Los Angeles district, filed 11:53 a. m.

Los Angeles Order L.A.-5, Amendment 21, covering food items at retail in the Los Angeles Metropolitan area, filed 4:37 p. m.

Los Angeles Order L.A.-6, Amendment 21, covering certain food items in the San Bernardino-Riverside area, filed 4:33 p. m.

Los Angeles Order L.A.-7, Amendment 21, covering certain food items in the Santa Barbara-Ventura area, filed 4:33 p. m.

Los Angeles Order L.A.-8, Amendment 21, covering certain food items in the San Luis Obispo area, filed 4:33 p. m.

Los Angeles Order L.A.-10, Amendment 10, covering certain food items in certain areas in California, filed 4:34 p. m.

Los Angeles Order L.A.-11, Amendment 9, covering certain food items in certain areas in California, filed 4:34 p. m.

Phoenix Order 3-F, Amendment 39, covering fresh fruit and vegetables within a 25-mile radius of the post office of Phoenix, filed 3:16 p. m.

San Diego Order 2-F, Amendment 10, covering fresh fruit and vegetables in the San Diego district, filed 3:21 p. m.

San Diego Order 3-F, Amendment 7, covering fresh fruit and vegetables in the San Diego district, filed 3:20 n. m.

San Diego Order 1-F, Amendment 66, covering fresh fruit and vegetables in the San Diego district, filed 3:22 p. m.

San Francisco Order F-1, Amendment 34, covering fresh fruit and vegetables in designated areas in San Francisco district, filed 3:23 p. m.

San Francisco Order F-2, Amendment 27, covering fresh fruit and vegetables in San Jose, Santa Clara, Mayfair, Berryessa, and Burbank, filed 3:23 p. m.

San Francisco Order F-3, Amendment 26, covering fresh fruit and vegetables in designated cities in the San Francisco district, filed 3:21 p. m.

San Francisco Order F-4, Amendment 25, covering fresh fruit and vegetables in named cities in the San Francisco district, filed 3:21 p. m.

San Francisco Order F-5, Amendment 24, covering fresh fruit and vegetables in designated cities in the San Francisco district, filed 3:21 p. m.

San Francisco Order F-6, Amendment 20, covering fresh fruit and vegetables in designated cities in the San Francisco district, filed 3:21 p. m.

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register on June 22, 1944.

Charleston Order 34, Amendment 3, covering community food prices in certain areas in West Virginia, filed 4:30 p. m.

Charleston Order 37, Amendment 3, covering community food prices in certain areas in West Virginia, filed 4:30 p. m.

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register on July 5, 1944.

Charleston Order 1-F, Amendment 33, covering fresh fruit and vegetables in designated areas in West Virginia, filed 1:40 p. m.

Charleston Order 3-F, Amendment 23, covering fresh fruit and vegetables in certain areas in West Virginia, filed 1:40 p. m.

Charleston Order 7-F, Amendment 14, covering fresh fruit and vegetables in certain areas in West Virginia, filed 1:39 p. m.

Copies of any of the above orders may be obtained from the OPA Office in the designated city.

ERWIN H. POLLACK,  
Secretary.

[F. R. Doc. 44-15954; Filed, Sept. 28, 1944;  
4:42 p. m.]

#### WAR MANPOWER COMMISSION.

##### PHILADELPHIA, PA., AREA

##### EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for the Philadelphia area is hereby prescribed, pursuant to § 907.3 (g) of the War Manpower Commission Regulation No. 7, "Governing Employ-

ment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

In furtherance of the war effort and for the purpose of achieving the most effective utilization of the services of labor in essential and locally needed activities, the area director of the War Manpower Commission for the Philadelphia area, which comprises all of Philadelphia and Delaware Counties and Bucks County, except the extreme northwestern part, all of Montgomery County south of Pottstown, and all of Chester County except the extreme western part, with the concurrence of the Area War Manpower Committee and with the approval of the Regional Director hereby establishes the following plan for the Philadelphia area with respect to the stabilization of employment throughout the area:

**Sec.**

1. Utilization of local labor supply.
2. Control of hiring and solicitation of workers.
3. Standards.
4. Existing contracts.
5. Advertising.
6. Advance notice of lay-offs.
7. Limited statements of availability.
8. Request to remain on or return to a job.
9. Definitions—as used in this plan.

**SECTION 1. Utilization of local labor supply.** All employers will make every reasonable effort to utilize the available local labor supply before resorting to the employment of workers from outside the commuting areas of their establishments and will recruit workers outside such areas only through the facilities of the U. S. Employment Service of the War Manpower Commission.

**Sec. 2. Control of hiring and solicitation of workers.** (a) All hiring and solicitation of workers in, or for work in, the Philadelphia area shall be conducted in accordance with the provisions of this employment stabilization plan.

(b) The area manpower director may fix for all or any establishments in the Philadelphia area, fair and reasonable employment ceilings and/or allowances, limiting the number of employees, or specified types of employees, which such establishments may employ during specified periods. Such ceilings and/or allowances will be determined on the basis of establishments' actual labor requirements, the available labor supply, and/or the relative urgency of establishments' products or services to the war effort. Except as authorized by the area manpower director, no employer shall hire any new employee if the hiring of such employee would result in the establishment's exceeding the employment ceiling and/or manpower allowance currently applicable to it.

**SEC. 3. Standards—(a) General.** A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

- (1) Such individual is hired for work in an essential or locally needed activity

or for work to which he has been referred by the United States Employment Service, and

(2) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

(b) *Issuance of statements of availability by employers.* An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(1) He has been discharged, or his employment has been otherwise terminated by his employer, or

(2) He has been laid off for an indefinite period, or for a period of seven or more days, or

(3) Continuance of his employment would involve undue personal hardship, or

(4) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(5) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

(c) *Issuance of statements of availability by United States Employment Service.* (1) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in subsection (b) is found to exist in his case. If the employer fails or refuses to issue a statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(2) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who, the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission employment stabilization plan, regulation or policy, and for so long as such employer continues his non-compliance after such finding.

(d) *Referral in case of under-utilization.* If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

(e) *Workers who may be hired only upon referral by the United States Employment Service.* A new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or with the

consent of, the United States Employment Service when:

(1) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation.

(2) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period.

(3) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work: *Provided*, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration: *And provided*, That such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

(4) The new employee is a male worker.

(f) *Exclusions.* No provision of the employment stabilization shall be applicable to:

(1) The hiring of a new employee for agricultural employment;

(2) The hiring of a new employee for work of less than seven days duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of the program, unless the employee is customarily engaged in work of less than seven days duration;

(3) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(4) The hiring by a foreign, state, county, or municipal government, or their political subdivisions, or their agencies and instrumentalities, or the hiring of any of their employees, unless such foreign, state, county, or municipal government, or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program;

(5) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service;

(6) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

(g) *Appeals.* Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment stabilization plan, in accordance with regulations and procedures of the War Manpower Commission.

(h) *Content of statements of availability.* A statement of availability issued to an individual pursuant to this plan shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment

was in a critical occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

(i) *Solicitation of workers.* (1) No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization plan, except in a manner consistent with such restrictions.

(2) No employer shall interview for employment, any person unless such person presents either:

(i) A statement of availability from his or her last employer.

(ii) A referral card from the United States Employment Service.

(iii) A statement on an authorized form stating that he or she has not been engaged in essential or locally needed work during the previous 60 days.

(j) *Hiring.* The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

(k) *Representation.* Nothing contained in plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of this plan.

(l) *General referral policies.* No provision in the program shall limit the authority of the United States Employment Service to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

SEC. 4. *Existing contracts.* Nothing in this plan shall be construed to prejudice existing seniority rights of an employee under any agreement with his employer.

SEC. 5. *Advertising.* Advertising for employees:

(a) Shall not be of a nature which will have a disruptive effect upon the labor market in a particular area, including either the publication of wage rates which induce turnover and piracy or the solicitation of workers by employers outside an area except through arrangements with the United States Employment Service of the War Manpower Commission.

(b) Should state clearly that employees now employed in essential activity cannot be considered without a statement of availability.

(c) Should state clearly that before employers hire employees possessing skills which appear on the List of critical occupations, clearance must be obtained from the United States Employment Service.

SEC. 6. *Advance notice of lay-offs.* When possible at least three (3) days in advance of the anticipated date of any layoff, an employer shall submit to the local office of the United States Employment Service of the War Manpower Commission for the area in which the employer's establishment is located, a list

containing the names, addresses and occupational classification of workers to be laid off. As used in this section layoff means a separation of a worker for a period of seven (7) or more days because of lack of work. This definition excludes the reporting of the name of workers who (1) voluntarily quit or (2) are separated from employment for reasons other than lack of work.

SEC. 7. *Limited statements of availability.* Limited statements of availability specifying a particular date on which employees shall be returned to their previous employer shall be issued by the United States Employment Service of the War Manpower Commission, whenever, in the judgment of the appropriate area manpower director, the best interests of the war effort will be served by such action: *Provided*, That such action is agreeable to both the employer and employees involved: *And provided further*, That such limited statements of availability shall not be issued for a period longer than 3 months.

SEC. 8. *Request to remain on or return to a job.* The United States Employment Service of the War Manpower Commission shall request any employee to return to or remain on his job and shall request any employer to retain such employee in his employ:

(a) Pending any determination on the employee's request for a statement of availability.

(b) Pending decision on the employee's appeal from a determination denying him a statement of availability.

(c) Upon a final determination that the employee is not entitled to a statement of availability.

SEC. 9. *Definitions as used in this plan.* (a) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(b) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(c) "Critical occupation" means any occupation designated as a critical occupation by the chairman of the War Manpower Commission.

(d) "Essential activity" means any activity included in the War Manpower Commission list of essential activities. (9 F.R. 3439).

(e) "Locally needed activity" means any activity approved by the regional manpower director as a locally needed activity.

(f) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary

employments mean his principal employment.

(g) "Employment stabilization plan" includes any arrangement involving restrictions on separation or hiring of workers, whether through issuance of statements of availability, referral by the United States Employment Service or otherwise.

Dated: September 1, 1944.

CARL B. HARR,  
Area Director.

Approved: September 25, 1944.

FRANK L. MCNAMEE,  
Regional Director.

[F. R. Doc. 44-15076; Filed, Sept. 23, 1944;  
11:29 a. m.]

## WAR PRODUCTION BOARD.

[C-214]

ATLAS DISTRIBUTING CORP.

Atlas Distributing Corporation, a Massachusetts corporation, is charged by the War Production Board with a violation of Conservation Order L-41 in that in December, 1943, it began and thereafter continued construction on a warehouse located at the corner of Sherman, Kansas, and Pitt Streets, Worcester, Massachusetts, at an estimated cost of \$25,000. The purpose of the construction was to convert the warehouse into a bottling plant for wines and a store and distributing center for wines, liquor, and beer. Atlas Distributing Corporation admits this violation but denies that it was willful and does not care to contest the issue of willfulness and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Atlas Distributing Corporation, the Regional Compliance Chief and the Acting Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Atlas Distributing Corporation shall not do any construction work on the premises at the corner of Sherman, Kansas, and Pitt Streets, Worcester, Massachusetts, including putting up or altering the structure, unless hereafter specifically authorized in writing by the War Production Board.

(b) The prohibitions contained herein shall apply to Atlas Distributing Corporation, its successors or assigns, or any persons acting on its behalf. Prohibitions against any action include the taking indirectly as well as directly of any such action.

(c) Nothing contained in this order shall be deemed to relieve Atlas Distributing Corporation, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 28th day of September 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-15051; Filed, Sept. 23, 1944;  
4:39 p. m.]

